

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11749 of 2022

Applicant :- Smt. Saroj Giri

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Kamlesh Singh, Manoj Kumar Mishra, Om Prakash Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Anubhav Awasthi, Advocate holding brief of Sri Manoj Kumar Mishra, learned counsel for the applicant as well as Smt. Parul Kant, the learned A.G.A. for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 221 of 2021, under Section 406, 420, 120-B, 506 I.P.C., registered at Police Station Bakshi Ka Talab, District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 10.08.2022 against five persons, including the applicant, stating that the applicant's son - Abhishek Giri (co-accused) had offered to sell 21,000 Square feet land to the informant and he had introduced him to his father- Vinod Kumar Giri (co-accused) and parties had agreed for sale of the land at the rate of Rs. 600/- per Square feet. The applicant claims to have paid Rs. 42,50,000/- for purchasing the land in various installments on various dates. But no registered agreement was executed regarding sale of the property. It is alleged that subsequently some portions of the land were transferred to some other person.

4. The State has filed a counter affidavit opposing the bail application and it has been stated therein that the applicant is involved in two cases bearing Case Crime No. 53/2023, under Section 174A I.P.C and 151/2022, under Section 2/3 of Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986. It appears that the applicant has been implicated in these cases on the basis of her involvement in the present case, although no satisfactory reply to the applicant's involvement in these cases has been given in the rejoinder affidavit.

5. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact as per the averments made in the F.I.R itself, no registered agreement to sell the property has been executed between the parties; that the F.I.R does not made any mention of any act of commission by the applicant and besides some amount having been transferred to her bank account and the allegation have primarily been levelled against her husband and son, coupled with the fact that the applicant is a women having no previous criminal history and she is languishing in jail since 04.08.2022 and without making any observations which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

6. Accordingly, this bail application stands **allowed**.

7. Let the **applicant- Smt. Saroj Giri** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the following conditions: -

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi,J.)

Order Date :- 29.11.2023

Preeti.