

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2215 of 2023

Applicant :- Smt. Leelavati

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

Counsel for Applicant :- Paritosh Shukla, Anamika Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Ms Anamika Singh, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.111 of 2022, under Section 420 I.P.C., registered at Police Station Jethwara, District Pratapgarh.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 07.05.2022 against the applicant, her two sons, alleging that the informant had purchased a shop in the name of his wife from son of the applicant in the year 2012. The relations between the applicant and the informant were very good and they had entered into an agreement of sale of some properties for Rs.42,50,000/- in the year 2016-17. The F.I.R. alleges that the informant has paid the entire amount but the applicant did not execute the sale deed of the properties in his favour. On 27.01.2020 an agreement was executed between the parties regarding refund of money but the applicant repaid merely one lac rupees to the informant.

4. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is innocent, she has no criminal history and she has falsely been implicated in the present case.

5. The applicant was granted anticipatory bail in the present case for offence under Sections 406, 506 IPC by means of the order dated 19.05.2022 passed by the Sessions Court Pratapgarh, however, subsequently Section 420 IPC was added after investigation and the applicant's application for grant of anticipatory bail in the added section has been rejected by the Sessions Court.

6. Co-accused-Akhilesh Kumar Gupta has been granted anticipatory bail in the present case under Sections 406, 506, 420 IPC by means of the order dated 05.10.2023 passed in CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No..2094 of 2023.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has already been granted anticipatory bail on the same set of facts and she has approached this Court for grant of anticipatory bail under Section 420 IPC, which has been added on the same set of facts, and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

9. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Smt. Leelavati** before the learned Trial Court in the aforesaid case crime, she shall be released on anticipatory bail on her furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness;

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(Subhash Vidyarthi, J.)

Order Date :- 10.10.2023
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