

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2394 of 2023

Applicant :- Reena Passi Alias Reeena Subhash Passi

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

Counsel for Applicant :- Manjusha Kapil

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Ms Manjusha Kapil, the learned counsel for the applicant as well as Sri Arpit Kumar, the learned Additional Government Advocate appearing on behalf of the State and Dr Puja Singh, learned counsel for the informant 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.471 of 2023, under Sections 419, 420, 467, 468, 471, 406 I.P.C., registered at Police Station Kotwali City, District Hardoi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.07.2023 against the applicant and her husband stating that the accused persons had promised to transfer some immovable property to the informant and had extracted Rs.49 lakhs through banking channel but thereafter the property was not transferred by the accused persons and the informant came to now that the property was in the name of some other persons. The informant has stated that the accused persons are neither transferring the property nor are they refunding his money.

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. Learned A.G.A. and learned counsel for the informant have

vehemently opposed the anticipatory bail application and they have submitted that a proclamation under Section 82 Cr.P.C. has been issued against the applicant on 13.10.2023.

6. In reply to the aforesaid contention, learned counsel for the applicant has submitted that in para 28 of the affidavit, it has been stated that even non bailable warrant was not served upon the applicant and the applicant has filed anticipatory bail application before the trial court immediately upon coming to know about the proceedings, it was registered by means of the order dated 07.10.2023. Thereafter, the applicant has filed an application for correction of the order dated 07.10.2023 passed by the Sessions Court. Copy of the corrected order was provided on 17.10.2023. Notice of the present application was served on the same day.

7. Having considered the aforesaid facts and circumstances of the case, I am of the view that since the applicant has already approached the Sessions court seeking anticipatory bail prior to issuance of the proclamation under Section 82 Cr.P.C. and it is her specific case that no warrant was served upon her, I am of the view that issuance of the proclamation under Section 82 Cr.P.C. would not affect her right in seeking anticipatory bail in the peculiar facts and circumstances of the case.

8. Having considered the aforesaid facts and circumstances of the case and and keeping in view the fact that the grievance is regarding non transfer of the property whereas no registered agreement was executed between the parties for sell of immovable property; that in the alternative the informant wants refund of his money whereas no suit for recovery of money has been filed and applicant claims to have refunded Rs.20 Lakhs to the informant and the dispute appears to be a monetary transaction and that the applicant is a woman having no criminal history 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-Reena Passi Alias Reena Subhash Passi** 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;

.

(Subhash Vidyarthi, J.)

Order Date :- 28.10.2023
prateek