

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2390 of 2023

Applicant :- Smt. Koyala Devi

Opposite Party :- State Of U.P. Thru. Secy. Home Civil Sectt.
Lko And Another

Counsel for Applicant :- Dhananjai Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dhananjai Kumar Tripathi, the learned counsel for the applicant as well as Sri Anurag Verma, learned A.G.A.-I 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. 64 of 2023, under Sections 419, 420, 467, 468, 471, 323, 504, 506 I.P.C., registered at Police Station Harraiya, District Balrampur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 04.04.2023 against four named accused persons, including the applicant, and an unknown person, alleging that co-accused Babadeen had got a sale deed of the informant's land executed in favour of the applicant by setting up some imposter in place of the informant.
4. In the affidavit filed in support of the application it has been contended that the applicant is innocent and she has falsely been implicated in the present case. The informant has filed another FIR bearing Case Crime No. 63 of 2023 against the applicant.
5. The informant has already filed a suit no. 50 of 2023 in Gram Nyayalaya for cancellation of the sale deed dated 17.10.2022.
6. Co-accused persons Mohammad Rafik and Jagat Ram have already been granted anticipatory bail by means of orders dated 22.08.2023 & 18.09.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application Nos. 1859 of 2023 & 2007 of 2023 respectively.
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 is said to have purchased the informant's land after payment of sale consideration; that the sale deed having been executed by some imposer, she would not get title of the land in spite of payment of sale consideration and a suit for cancellation of sale deed has already been filed; that two co-accused persons have already been granted anticipatory bail in the present case and that the applicant is a woman 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 applicants is ***allowed***. In the event of arrest/ appearance of applicant- ***Smt. Koyala Devi*** 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.

Order Date :- 28.10.2023

Pradeep/-