

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12694 of 2023

Applicant :- Anita Alias Anita Devi

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

Counsel for Applicant :- Ajay Kumar, Sheikh Mohammad Ali

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ajay Kumar, the learned counsel for the applicant as well as Ms Ankita Tripathi 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. 186 of 2023, under Sections 394, 411 I.P.C., registered at Police Station Laliya, District Balrampur.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 05.07.2023, alleging that some unidentified miscreants had assaulted the informant's mother with a sharp edged weapon and had robbed the jewellery worn by her.
4. The victim had suffered a fracture in the temporal bone. In her statement, the victim has supported the F.I.R allegations.
5. The police claimed to have arrested the applicant along with co-accused Bekaru Yadav @ Ram Lakhan on the basis of information received from a mukhbir and nothing was recovered from the applicant's possession. Rs.550/- were recovered from co-accused Bekaru Yadav. The recovery memo mentions that on the pointing out of the applicant, some articles/jewellery were recovered from her residence.
6. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, she has been falsely implicated in the present case and she has no criminal history.
7. Co-accused Bekaru Yadav @ Ram Lakhan has already been granted anticipatory bail in the present case by means of an order dated 06.11.2023, passed by this Court in Criminal Misc. Bail Application No.13089 of 2023.
8. The learned A.G.A. has opposed the prayer of the bail, but he

could not dispute the aforesaid aspects of the matter.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R alleges assault with a sharp edged weapon and commission of a robbery whereas the victim has not suffered any incised wound, coupled with the fact that the applicant is a women having no criminal history and she is languishing in jail since 09.08.2023 whereas co-accused has already been granted bail 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.

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

11. Let the applicant- **Anita Alias Anita Devi** 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.

Order Date :- 20.11.2023

Renu/-