

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2468 of 2023

Applicant :- Smt. Soni

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

Counsel for Applicant :- Santosh Kumar Yadav, Satyendra
Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Santosh Kumar Yadav, 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.421 of 2022 under Sections 419, 420, 467, 468, 471, 504, 120-B I.P.C., registered at Police Station Kakori, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 14.11.2022 against three persons, including the applicant in furtherance of an application under Section 156 (3) Cr.P.C. stating that the co-accused Ramlal has executed a gift deed of a piece of an agricultural land in favour of the applicant and co-accused Vidyawati by taking the benefit of similar name as the informant's father was Ramlal S/o Bheekha had witnessed the execution of the gift deed.
4. The informant has already filed a Suit No.1485 of 2022 in the Court of Civil Judge, Junior Division, Hawali on 02.07.2022 for cancellation of the gift deed and the written statements have been filed in the suit and the matter is pending consideration of

the civil court.

5. 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.

6. The learned counsel for the applicant has submitted that co-accused persons, namely, Rajkesh (husband of Vidyawati) and Vidyawati, have already been granted anticipatory bail by means of orders dated 26.07.2023 and 28.07.2023 passed by this Court in Criminal Misc. Bail Applications No.1656 of 2023 and 9538 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 two co-accused persons have already been granted anticipatory bail and without making any observations which may affect the outcome of the case, I am of the view that the applicant is also entitled for granting anticipatory bail in the aforesaid case.

9. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of applicant- **Smt. Soni** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his 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 :- 2.11.2023

Preeti.