

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2471 of 2023

Applicant :- Pragati Srivastava

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

Counsel for Applicant :- Amar Singh, Jai Vardhan Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Amar 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.102 of 2022, under Sections 120B, 403, 408, 420, 467, 468, 471 I.P.C., 66 Information Technology (Amendment) Act registered at Police Station Hasanganj, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 05.05.2022 by Jeevan Singh Bisht against nine persons, including the applicant, alleging that the informant has worked as H.R. Head in Anuna Education Network Private Ltd., which company imparts training to farmers and artisans and sells their products to e-commerce websites. The FIR alleges that accused persons, who were employees of the company, prepared fake receipts and wrongly withdrew Rs.58,185/- from the Company. By producing fake bills of goods purchased by the Company, the accused persons, withdrew Rs.3,56,484/-. They wrongfully sold away some goods of the Company.

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 had earlier filed a Criminal Misc. Writ Petition No. 702 of 2023 and by means of an interim order dated 25.01.2023, her arrest was stayed till

filing of a police report under Section 173(2) Cr.P.C. The report has been submitted on 23.03.2023 and thereafter the applicant has sought interim bail from the Session Court and thereafter the present application has been filed.

6. Learned counsel for the applicant has submitted that it is the informant himself, who has committed the offence of misuse of documents of certain students enrolled with the company regarding which Case Crime No.552 of 2017 under Sections 406, 420 IPC was lodged against him in Police Station Hasanganj, Lucknow and the informant has been granted bail in the aforesaid case by means of the order dated 14.10.2022 passed by Additional Sessions Judge, Court No.10, Lucknow.

7. Co-accused persons, Shreya Khare, Harshit Awasthi, Utkarsh Awasthi, Dharmendra Gupta and Sneha Shukla, have already been granted bail in the present case, copies of their bail orders have been annexed with the affidavit. Co-accused Dharmendra Gupta, has also been granted anticipatory bail by means of the order dated 13.09.2023 passed in Criminal Misc. Anticipatory Bail Application u/s 438 Cr.P.C. No.1983 of 2023.

8. The learned A.G.A. has opposed the prayer for 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 FIR contains general allegations against nine accused persons and neither any particulars of the wrong allegedly committed by the accused persons have been mentioned in the FIR nor has any specific allegation been leveled against the applicant and several co-accused persons have already been granted bail in the present case and that the applicant is a young lady of 25 years of age having no criminal history, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

10. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant- **Pragati Srivastava**

before the learned Trial Court in the aforesaid case crime, she 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.