

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13405 of 2023

Applicant :- Smt. Manju Kaushal

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

Counsel for Applicant :- Pratibha Singh, Prashansa Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Ms. Prashansa Singh, learned counsel for the applicant, Ri Sanjay Maurya, learned Additional Government Advocate for the State and perused the material available on record.

2. The present application under Section 439 Cr.P.C. has been filed seeking bail in Case Crime No.0487/2020, under Sections - 409, 419, 420, 467, 468, 471, 506, 120 B IPC, Police Station Kotwali Nagar, District Faizabad/Ayodhya.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case with the intention of harassment. Applicant is neither Director nor Agent or worker of the company and neither he is beneficiary. It is further submitted that cheating has been caused by the Director of the Company. It is also submitted that in case the applicant is enlarged on bail he shall not tamper with the evidence or misuse the liberty of bail and will also cooperate in the trial proceedings. Moreover, the co-accused persons, namely, Ajay Kumar Upadhyay and Anjani Kumar Kaushal, have already been enlarged on bail by a coordinate bench of this Court vide order dated 11.05.2023 and 30.06.2023 passed in Bail Applications No.3658 of 2023 and 8092 of 2023, respectively and the case of the present applicant lies on similar footing so he is also entitled to be enlarged on bail on the ground of parity.

4. On the other hand, learned AGA has opposed the prayer for bail but could not controvert the aforesaid factual matrix.

5. Considering the facts and circumstances of the case and taking into account the fact that applicant is neither Director nor Agent or worker of the company and neither he is beneficiary and cheating has been caused by the Director of the Company and the common role has been assigned to the applicant and two co-accused persons have already been enlarged on bail by this Court and the present applicant is languishing in jail since 29.03.2022 as well as without expressing any opinion on the merits of the case, it would be appropriate to enlarge the accused-applicant on bail.

6. The bail application is **allowed.**

7. Let applicant- **Smt. Manju Kaushal** be released on bail in the above case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following conditions :-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

(v) The applicant shall also furnish an undertaking from the sureties that the properties (movable/immovable) which are the basis of accepting the surety, shall not be disposed of by them till the conclusion of trial.

(vi) The applicant shall also give an undertaking to the effect that he will not change his address without prior intimation to the trial court concerned.

(Subhash Vidyarthi,J.)

Order Date :- 9.11.2023

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