

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2615 of 2023

Applicant :- Dr. Urmila Singh

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

Counsel for Applicant :- Kunwar Bahadur Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri K.B. Singh, the learned counsel for the applicant as well as Smt. Parul Kant, 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 F.I.R./Case Crime No.021 of 2021, under Sections 420, 467, 468, 471, 120-B I.P.C. and Section 3/7 of Essential Commodities Act, registered at Police Station Kodare, District Gonda.

3. The applicant was granted anticipatory bail by means of an order dated 09.01.2023, passed in Criminal Misc. Anticipatory Bail Application No.1927 of 2022, but its operation was restricted till filing of a report under Section 173 (2) Cr.P.C. keeping in view the dictum of Hon'ble Supreme Court in the case of ***Sushila Aggarwal Vs. State (NCT of Delhi): 2020 SCC OnLine SC 98***, whereas, in the case of Sushila Aggarwal (Supra) the Hon'ble Supreme Court has held that there is no need to invariably restrict the effect and operation of an order granting anticipatory bail till filing of the police report.

4. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspect of the matter.

5. Having considered the aforesaid facts and circumstances of the case, coupled with the fact that the applicant has no criminal history 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.

6. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Dr. Urmila Singh** before the learned Trial Court in the aforesaid case crime, he 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.

.

(Subhash Vidyarthi, J.)

Order Date :- 9.11.2023
Ram.