

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2637 of 2023

Applicant :- Poonam

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

Counsel for Applicant :- Praveen Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Praveen Kumar Tripathi, the learned counsel for the applicant as well as Sri Anant Pratap singh, 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.79 of 2022, under Sections 420, 323, 452, 506, 386, 343 I.P.C., registered at Police Station Rajesultanpur, District Ambedkar Nagar.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 21.04.2022 against five persons, including the applicant and her son stating that the informant runs a Jansewa Kendra which is looked after by his son and other co-accused persons used to keep money through bank account of the informant's son and they used to withdraw the same in cash through the informant's son. Later on the informant came to know that the co-accused persons had stated that the money transferred to them was of contractual work carried out by them, whereas the money was in respect of four sale deeds.

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

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R. does not contain any specific allegation of any act of commission of offence by the applicant coupled with the fact that the applicant is a woman having 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.

7. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Poonam** 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.

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(Subhash Vidyarthi, J.)

Order Date :- 9.11.2023
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