

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14239 of 2023

Applicant :- Meera @ Sunita

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

Counsel for Applicant :- Manoj Kumar Misra, Nishit Upreti

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh, J.

1. Heard learned counsel for the applicant, of Sri G.D. Bhatt, learned A.G.A. for the State and perused record.

Supplementary affidavit filed on behalf of the applicant is taken on record.

2. The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No.245 of 2022 under Section 147, 323, 325, 304 IPC, PS Mohanlalganj, district Lucknow.

3. Learned counsel for the applicant has submitted that co-accused Rinku has been granted bail by this Court in Crl. Misc. Bail Application No.10846 of 2022 on 22.9.2022, co-accused Rajesh has been granted bail by this Court in Crl. Misc. Bail Application No.11165 of 2022 on 28.9.2022, co-accused Tulsi Ram has been granted bail by this Court in Crl. Misc. Bail Application No.11763 of 2022 on 17.10.2022, copies of bail orders have been annexed as Annexure No.9, 10 and 11 to the bail application. He has submitted that the case of the applicant is at par with the co-accused who have been granted bail. He has submitted that as mentioned in the supplementary affidavit dated 5.12.2023 filed today, the applicant has no connection with case crime No.194 of 2023 of police station Para district Lucknow which is against one Kanchan Yadav, Ram Janki @ Sunita and Dharmendra Yadav who are resident of Buddheshwar Chauraha, Mohan Road, Bajrang, Vihar Colony, PS, Para, Lucknow. He has further submitted that the applicant has no other criminal history and he is in jail since 17.11.2023.

4. On the other hand, learned A.G.A. opposed the prayer for bail but could not dispute the fact that the case of the applicant is at par with the co-accused who have been granted bail by this Court.

5. Considering the over all facts and circumstances of the case, the argument that the case of applicant is at par with the co-accused who have been granted bail, it is a fit case for bail.

6. Let the applicant, Meera @ Sunita be released on bail in the above case crime number on her 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 she 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 her counsel. In case of her absence, without sufficient cause, the trial court may proceed against her 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 her 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 her, 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 her in accordance with law.

7. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The Trial Court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 6.12.2023

Rajneesh JR-PS)