

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2772 of 2023

Applicant :- Durgawati Yadav

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

Counsel for Applicant :- Vineet Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vineet Kumar Yadav, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate-I 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. 189 of 2021, under Sections 420, 467, 468 & 471 IPC, Police Station Malipur, District Ambedkar Nagar.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 26.12.2021 against four persons, including the applicant, in furtherance of an application under Section 156(3) Cr.P.C. filed on 28.01.2021 alleging certain constructions were carried out in the year 2016, several irregularities were committed. The applicant was the Village Pradhan at the relevant point of time.

4. In the affidavit filed in support of the application it has been contended that the applicant is an innocent woman having no criminal history and she has been falsely implicated in the present case.

5. A copy of a report dated 03.02.2020 submitted by a Committee consisting of an Assistant Engineer, Block Development Authority and District Social Welfare Officer has been annexed with the affidavit, which alleges commission of irregularities and negligence by Village Panchayat Sachiv-co-accused Brijesh Singh (since dead). The inquiry report further states that in case co-accused Vikram Jeet Maurya, Junior Engineer would have conducted measurements properly, excess payment would have not been made towards labour charges. The inquiry report further states that as per the spot inspection and statements of villagers, it appears that repairing work had been carried out but it is not possible to assess as to how many new bricks were actually laid.

6. The learned A.G.A.-I has opposed the application and he has submitted that an application under Section 482 Cr.P.C. filed by the applicant has been disposed of by means of an order dated 29.08.2023.

7. While disposing of the aforesaid application, this Court had granted liberty to the applicant to file an application for anticipatory bail or bail and had granted

protection against coercive measures till filing of the said application.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the work in question were carried out in the year 2016 and by the inquiry report dated 03.02.2020 it appears that the works were actually carried out, although some irregularities is alleged to have committed therein; that the inquiry report levels certain allegations against Secretary of the Village panchayat and a Junior Engineer whereas the Secretary is since dead and Junior Engineer has been exonerated during investigation and that the applicant is 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 during pendency of the trial.

9. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Durgawati Yadav** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail during pendency of the trial 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.

Order Date :- 4.12.2023

Pradeep/-