

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14274 of 2023

Applicant :- Urmila Devi

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

Counsel for Applicant :- Awadhesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Awadhesh Kumar Singh, learned counsel for the applicant, Sri Vinay Kumar Sahi, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.810 of 2020, under Sections 3/7 of the Essential Commodities Act, registered at Police Station Kotwali Nagar, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 23.10.2020 alleging commission of illegalities in making distribution of commodities in Public Distribution System.

4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, she has been falsely implicated in the present case and she has no criminal history.

5. Learned counsel for the applicant has submitted that the FIR has been lodged on the basis of findings recorded an ex parte enquiry report, without giving an opportunity of hearing to the applicant. It has further been stated in the affidavit that several ration card holders have given statements supporting the applicant.

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

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is a woman having

no previous criminal history and the offences alleged carry a maximum punishment of imprisonment up to 7 years and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

8. Accordingly, this bail application stands **allowed**.

9. Let the **applicant**-Urmila Devi be released on bail in aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 5.12.2023
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