

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2787 of 2023

Applicant :- Varsha Upadhyay Alias Varsha

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

Counsel for Applicant :- Mohd. Haroon

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Mohd. Haroon, learned counsel for the applicant, Ms. Charu Singh, the 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. 78 of 2023, under Sections 409, 420, 504, 506 I.P.C., registered at Police Station Mahanagar, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 11.04.2023 against 8 persons, including the applicant stating that the informants run private ambulances. They came into contact with co-accused persons Sanjay Rai, Aqif Siddiqui, Krishna Murari Pandey and Alok Pal, who stated that they run a government organization by the name of Govansh Raksha Ambulance Sewadal and in case the informants provide their ambulances to the aforesaid government organization, they will be paid Rs.40,000/- per month. The aforesaid four persons charged Rs.5,000/- per ambulance from the informants. They paid Rs.40,000/- per month for some time but thereafter no amount was paid to the informants. Regarding the applicant, only this much has been stated that in the F.I.R that an online payment was made to the

informant through a phone pay account in the applicant's name.

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. The learned counsel for the applicant has also submitted that the co-accused, Umesh Chandra Kushwaha, has been granted bail by this Court vide order dated 03.08.2023 passed in Criminal Misc. Bail Application No. 9754 of 2023.

6. The learned A.G.A. has opposed the prayer for bail and she submitted that two ambulances are still in possession of the applicant.

7. Replying to the aforesaid objection, the learned counsel for the applicant stated that the ambulances were provided under an agreement and the dispute is regarding payment of money under the agreement, which is predominantly of civil nature.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R. does not allege commission of any act by the applicant which may amount to commission of an offence that the applicant is a women and a co-accused from whom an ambulance was recovered, has already been granted bail 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 granting anticipatory bail to the applicant.

9. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of applicant- **Varsha Upadhyay Alias Varsha** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail 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;

(Subhash Vidyarthi, J.)

Order Date :- 5.12.2023

Preeti.