

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2814 of 2023

Applicant :- Hamida Khatoon

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

Counsel for Applicant :- Amrit Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Amrit Kumar Tiwari, the learned counsel for the applicant, Sri Anurag Verma, learned A.G.A.-I appearing on behalf of the State as well as Sri Shiv Shankar Verma, learned counsel for the informant 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. 287 of 2023, under Sections 420, 467, 468, 471, 504, 506, 120-B I.P.C., registered at Police Station Dewa, District Barabanki.
3. At the outset, the learned A.G.A.-I has raised a preliminary objection that the applicant, along with another petitioner has filed Criminal Misc. Writ Petition No. 5695 of 2023 challenging the validity of the F.I.R and in that writ petition an interim relief has been prayed for stay of the applicant's arrest. He has submitted that the present anticipatory bail has been filed during pendency of the writ petition and the application for interim relief of stay of her arrest without disclosing this fact.
4. Upon being confronted with this preliminary objection, the learned counsel for the applicant first submitted that he has no knowledge about the pendency of the writ petition. Thereafter, he submitted that he may be permitted to get the application dismissed as not pressed and lastly he submitted that no order of stay of arrest has been passed in that writ petition. When the court recorded this statement, the learned counsel for the applicant tried to resile from this statement and stated that he had given the statement by his own presumption.

5. The aforesaid conduct of the applicant in trying to obtain an order of anticipatory bail whereas an application seeking stay of his arrest is pending consideration of a Division Bench of this court and no relief has been granted to her in that case and thereafter concealing this relevant fact from this court, is a clear abuse of the process of law.

6. Accordingly, the application is **dismissed**. Keeping in view the fact that the applicant has filed this application seeking anticipatory bail during pendency of his application seeking stay of arrest before a Division Bench of this court and the applicant has concealed this fact from this court, the applicant is ordered to pay Rs. 25,000/- as the cost of the litigation, which shall be deposited with the registry of this Court within a period of 30 days, failing which the Senior Registrar shall initiate proceedings for recovery of the amount by sending a Recovery Certificate to the Collector concerned, who shall recover the amounts as arrears of land revenue and shall remit the same to this Court within a period of three months from the date of issuance of the Recovery Certificate.

7. The Senior Registrar of this Court is directed to transmit the cost amount to Children Home (Girls), Lucknow, which is being run and maintained under the Department of Women and Child Development, Government of U.P.

(Subhash Vidyarthi, J.)

Order Date :- 8.12.2023

Preeti.