

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2849 of 2023

Applicant :- Shefali Gautam

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

Counsel for Applicant :- Purnendu Chakravarty, Annuj
Taandon, Shivanshu Goswami

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Purnendu Chakravarty, the learned counsel for the applicant, Sri Anurag Verma, the learned AGA-I for the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in an FIR bearing Case Crime No. 27/2021, under Sections 409, 420, 467, 468, 471, 120-B IPC, Police Station SIT, District Lucknow Rural.
3. The aforesaid case has been registered on the basis of an FIR lodged on 20.07.2021 against 14 sets of persons. The ninth set of accused persons implicated in the FIR i.e. officers and employees' and the address mentioned against second set of accused persons is Shefali Gautam, Director Shiva Institute of Management Studies, Gaziabad, U.P. Bharat'.
4. The allegation levelled in the FIR is that in furtherance of a complaint dated 19.06.2019, a special investigation team was constituted which conducted an inquiry and submitted a report to a committee constituted by the Government. During inquiry, it came to light that although the complaint alleged embezzlement of Rs. 200 crore in payment of scholarships to students belonging to Scheduled Caste and Scheduled Tribe categories, merely Rs. 58 crores has been drawn by the concerned institute towards payment of scholarships.
5. The FIR does not disclosed commission of any act by the applicant, which may amount to commission of an offence.
6. In para 14 of the affidavit filed in support of the application it has been stated that the applicant is the Director of Shiva

Institute of Mangement Studies which is run by Society for Creative and Intellectual Development.

7. The learned counsel for the applicant has submitted that the FIR in question was lodged on 20.07.2021, the applicant had cooperated with the investigation and has got her statement recorded by the Investigating Officer and even after expiry of more than two years, the investigation is still going on and charge sheet is yet to be submitted as stated in para 33 of affidavit

8. Nine co-accused persons have already granted anticipatory bail in the present case and copies of their bail orders have been annexed as Annexure No.3 of the affidavit filed in support of the application.

9. Sri Anurag Verma, the learned AGA-I has vehemently opposed the application and he has submitted that the applicant is named in the FIR lodged regarding commission of a large scale bungling of public money meant for being distributed as scholarship to the students belonging to deprived section of the society and the commission of offence has been established during ongoing investigation.

10. Having considered the aforesaid facts and circumstances of the case, coupled with the fact that the applicant is a lady aged about 63 years person having no criminal history, he has cooperated with the investigation and nine co-accused persons have already been granted anticipatory bail in the present case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

11. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of applicant-**Shefali Gautam** before the learned Trial Court in the aforesaid case, 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.

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[Subhash Vidyarthi, J.]

Order Date :- 12.12.2023

-Amit K-