

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2884 of 2023

Applicant :- Smt. Baby

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

Counsel for Applicant :- Rishi Raj, Garv Saxena

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

Order on amendment application:

1. Heard Sri Mukhtar Alam, the learned counsel for the applicant as well as Sri Gyanendra Singh, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

The learned counsel for the applicant has filed an application for amendment to add Section 419 I.P.C. in the prayer made in the bail application.

The application is allowed.

The learned counsel for the applicant may carry out necessary corrections in the memo of bail application during course of the day.

Order on memo of bail application:

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.506 of 2022, under Sections 419, 420, 467, 468, 471 I.P.C., 2/3 Prevention of Damage to Public Property Act, 1984 registered at Police Station Bilgram, District Hardoi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 10.10.2020 against four persons, including the applicant, alleging that co-accused persons had executed a sale deed in respect of paved public road.

4. Initially, the investigating officer submitted a final report after instigation but the Circle Officer did not agree with the report and further investigation was carried out by another investigating officer, who submitted charge-sheet against two

persons and the investigation against the applicant and another person is still pending.

5. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent, and she has falsely been implicated in the present case. A supplementary affidavit has been filed disclosing his involvement in another case in which he has been granted bail by the Sessions Court by means of the order dated 15.07.1995.

6. A copy of the report submitted by the tehsildar has been annexed with the affidavit as per which land bearing Gata Nos.506/1 and 506/2 is recorded as public pathway and the remaining portion of the aforesaid gata continues to be held by the applicant. The applicant claims to have executed the sale-deed in respect of land other than paved public pathway.

7. Co-accused Rehan Haider Rizvi and Rifakat Hussain have been granted bail by means of an orders dated 28.08.2023 and 13.10.2023 by the Sessions Court. The co-accused Ahar Abbas has been granted anticipatory bail by this court by means of an order dated 23.11.2023, passed in Criminal Misc. Anticipatory Bail Application No.2691 of 2023.

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

9. Having considered the aforesaid facts and circumstances of the case 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.

10. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Smt. Baby** Abbas before the learned Trial Court in the aforesaid case crime, she shall be released on anticipatory bail on her 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 :- 14.12.2023
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