

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14743 of 2023

Applicant :- Arti Tripathi

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

Counsel for Applicant :- Yogesh Kumar,Shubham Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Yogesh Kumar, the learned counsel for the applicant, Sri J.S. Tomar, the learned A.G.A. -I for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 30 of 2023, under Section 406, 420, 467, 468, 471, 120-B I.P.C., registered at Police Station Chinhat, District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 21.01.2023 against seven persons, not including the applicant, alleging that the informant had purchased a house by means of a registered sale deed dated 27.02.2022 and her son Abhishek Verma had taken a loan from Axis Bank after keeping the house mortgaged with the Bank and the informant is a co-borrower. The informant gave an application for obtaining a top-up loan and by the legal report submitted in furtherance of her loan application, it came to light that a sale deed in respect of the house had been executed in favour of named co-accused Pankhuri Gupta. Upon making inquiries through her advocate, the informant came to know that some imposter had executed a sale deed in favour of the Pankhuri Gupta in connivance with officials of the Bank. The informant stated that he had given a photocopy of the sale deed to named co-accused persons Sachin Mishra and Amit Yadav and they have misused her documents for grant of loan.

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

5. A charge-sheet has already been submitted on 21.01.2023.

6. The learned counsel for the applicant has submitted that co-accused Amit Kumar @ Amit Yadav, has already been granted

bail by means of an order dated 30.05.2023 passed by this Court in Criminal Misc. Bail Application No. 7159 of 2023. Another co-accused Vishnu Kumar Verma has also been enlarged on bail by this court by means of order dated 17.08.2023, passed in Criminal Misc. Bail Application No.10260 of 2023.

7. The learned A.G.A. has opposed the prayer of the bail and on the basis of instructions he has submitted that it has come to light during investigation that the applicant had executed a sale deed in question and she had acted under a conspiracy hatched by co-accused Devesh Tripathi.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that a conspiracy for commission of offence has been hatched by another co-accused person; that the investigation already stands completed and there is no need for custodial interrogation of the applicant; that two co-accused persons have already been granted bail by this court; that the applicant is a 59 years old person having no criminal history and she is languishing in jail since 17.04.2023 and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

10. Let the **applicant-Arti Tripathi** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the 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.

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(Subhash Vidyarthi,J.)

Order Date :- 16.12.2023
Ram.