

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2942 of 2023

Applicant :- Sheela Tiwari

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

Counsel for Applicant :- Anand Dubey, Laxmi Kant Ojha

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Abhishek, Advocate holding brief of Sri Anand Dubey, the learned counsel for the applicant as well as Ms. Charu Singh, learned A.G.A. appearing on behalf of the State 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. 238 of 2017, under Sections 420 I.P.C. and Section 3/7/8 of Essential Commodities Act, 1955 registered at Police Station Asandra, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged by Regional Food Officer on 25.07.2017 against 'M/s Sushila Kisan Sewa Kendra, Deviganj, Proprietor Smt. Poonam Singh', stating that during inspection of the petrol pump, the seal put by Legal Metrology Department was found tampered and soldering was found in pulsar card.

4. In the affidavit filed in support of the anticipatory bail application it has been contended that the applicant is a 58 years old innocent woman having no criminal history and she has falsely been implicated in the present case. It has further been stated that the applicant had purchased the petrol pump in the

year 2013.

5. On same set of allegations, Case Crime No. 1079 of 2017 was instituted under Section 26 and 44 Legal Metrology Act, in which the applicant has been acquitted by means of a judgment and order dated 04.04.2018 passed by a Additional Civil Judicial Magistrate, Court No. 17, Barabanki. After recording a finding that no shortage of measurement or breakage of seal put by legal Metrology Team was found during inspection.

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

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the acquittal of the applicant in the case under Section 26 and 44 of the Legal Metrology Act, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

8. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of applicant- **Sheela Tiwari** 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 :- 19.12.2023

Preeti.