

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 2977 of 2023

Applicant :- Smt. Phool Kali

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

Counsel for Applicant :- Vishnu Kumar Srivastava,Umesh Chandra
Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vishnu Kumar Srivastava, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, 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. 557 of 2009, under Sections 419, 420, 467, 468, 471 I.P.C., registered at Police Station Aalapur, District Ambedkar Nagar.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 07.08.2009 against four persons, including the applicant, alleging that the informant had purchased a house, although he did not disclose the date of execution of the sale deed in his favour. He has lodged the F.I.R complaining that the house was muted in the name of a co-accused Ram Dulari. The F.I.R does not make any allegation of commission of any offence by the applicant.

4. In the affidavit filed in support of the anticipatory bail application it has been contended that the applicant is a 62 years old woman having no criminal history and she has falsely been implicated in the present case.

5. Earlier, a final report had been submitted by the investigating

officer.

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 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.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant- **Smt. Phool Kali** 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 :- 20.12.2023/Preeti.