

Court No. - 11

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2776 of 2024

Applicant :- Giraja (Lakkha Lambardarin As Per Fir)

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

Counsel for Applicant :- Arvind Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Sri Arvind Pratap Singh, learned counsel for the applicant and Sri Diwakar Singh, learned Additional Government Advocate for the State.

2. This anticipatory bail application has been filed by the applicant (Giraja (Lakkha Lambardarin)) apprehending her arrest in F.I.R./Case Crime No.0435 of 2023, under Sections 323, 504, 304/34 & 506 I.P.C., Police Station-Inayat Nagar, District-Ayodhya.

3. Learned counsels for the applicant has submitted that the present applicant has been falsely implicated in this case as he has not committed any offence as alleged in the prosecution story so narrated in the prosecution story.

4. Attention has been drawn towards the impugned First Information Report (in short F.I.R.) wherein the date of incident has been indicated as 17.09.2023 whereas the impugned F.I.R. has been lodged on 26.09.2023 without explaining the delay. In the aforesaid F.I.R., the general allegation of beating has been levelled against four accused persons. The present applicant, who is old aged lady of 70 years, is not named in the F.I.R.. She has been made accused as accused No.4 indicating as (Lakkha Lambardarin Bewa).

5. Learned counsel for the applicant has stated that the investigation is going on and she undertakes that she will cooperate in the investigation and shall not misuse the liberty of anticipatory bail, therefore, in view of the dictum of Apex Court rendered in re: *Sushila Aggarwal Vs. State (NCT of Delhi)-2020 SCC online SC 98* her liberty of the applicant may be protected.

6. Learned Additional Government Advocate has opposed the aforesaid prayer of learned counsel for the applicant but he

could not controvert the aforesaid contentions of learned counsel for the present applicant.

7. Therefore, without entering into merits of the issue, considering the arguments of learned counsel for the parties; the fact that in the F.I.R. the date of incident has been indicated as 17.09.2023 whereas the impugned F.I.R. has been lodged on 26.09.2023 without explaining the delay; in the F.I.R. general allegation of beating has been levelled against all accused persons; the present applicant, who is old aged lady of 70 years, is not named in the F.I.R; and the undertaking of the present applicant that she shall not misuse the liberty of anticipatory bail and shall co-operate in the investigation, I find it appropriate that liberty of the present applicant may be protected till completing of the investigation or till filing of the police report.

8. Therefore, it is directed that in the event of arrest, applicant (Giraja (Lakkha Lambardarin)) shall be released on anticipatory bail in the aforesaid case crime number till completion of investigation or till filing of the police report on her furnishing a personal bond with two sureties each in the like amount to the satisfaction of the Arresting Authority/ court concerned with the following conditions:-

(i) The applicant shall appear before the Investigating Officer on 21.12.2024 at 11:00 a.m. sharp for the purpose to cooperate in the investigation and she shall continue to cooperate in the investigation and shall provide all information and evidences which are in her knowledge or possession, failing which, this protection will not be made available to her.

(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 from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii) that the applicant shall not leave India without prior permission of the court;

(iv) that the applicant shall not pressurize/ intimidate the prosecution witnesses and shall not tamper with evidence;

(v) that in case of breach of any of the above conditions the court below shall have the liberty to cancel the anticipatory bail;

(vi) that in default of any of the conditions mentioned above, the learned counsel for the State shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

9. In view of the aforesaid terms, this anticipatory bail application is ***disposed of***.

[Rajesh Singh Chauhan,J.]

Order Date :- 18.12.2024
Suresh/