

Court No. - 12

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 1427 of 2024

Applicant :- Smt. Vijay Laxmi

Opposite Party :- State Of U.P. Thru. Secy. Deptt. Of Home
And Another

Counsel for Applicant :- Janardan Singh

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Vakalatnama filed today by Sri Faiz Ahamad Khan, Advocate on behalf of the opposite party no. 2 is taken on record.

Heard learned counsel for the applicant, Sri Faiz Ahamad Khan, learned counsel for the opposite party no. 2, Sri Nirmal Kumar Pandey, learned AGA appearing for the State and perused the material placed on record.

The instant application has been filed with a prayer to enlarge the applicant/accused on anticipatory bail in the interest of justice, in FIR/Case Crime No. 143 of 2024, u/S 419, 420, 467, 468, 471 I.P.C. relating to the Police Station -Tarabganj District -Gonda.

The learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the instant matter. He next added that father of the opposite party no. 2 had executed gift deed in favour of the husband of the daughter-in-law and the present applicant has not committed any fraud and cheat. It appears that the present dispute is of purely civil nature and if the opposite party has any grievance then he can approach to the court of civil competence. He submits that there is no previous criminal antecedent of the applicant and she also undertakes that she will not misuse the liberty of anticipatory bail and also cooperate in the investigation. Therefore submission is that the applicant may be granted.

On the other hand learned counsel for the State and learned counsel for the opposite party no. 2 has opposed the contentions aforesaid and submitted that there are evidence against the applicant and as such the applicant is involved in the present crime and, therefore, she is not entitled for any relief, at this stage.

Considering the submission of learned counsel for the parties and after perusal of the material placed on record, it transpires that the dispute is of purely civil nature and the present applicant is not involved in the present crime as the gift deed was only executed in her favour. Further there is no criminal history against the applicant and she undertakes that she will cooperate in the investigation as well as in the trial, resolutely, the applicant is entitled for anticipatory bail.

In view of the above, the anticipatory bail application of the applicant is allowed.

Let the accused-applicant- **Smt. Vijay Laxmi** be released forthwith in the aforesaid case crime (supra) on anticipatory bail till the conclusion of trial on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

- (i). that the applicant shall make herself available for interrogation by a police officer as and when required;
- (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 leave India without the previous permission of the court;
- (iv). that in case charge-sheet is submitted the applicant shall not tamper with the evidence during the trial;
- (v). that the applicant shall not pressurize/ intimidate the prosecution witness;
- (vi). that the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;
- (vii). that in case of breach of any of the above conditions the court concerned shall have the liberty to cancel the bail.

It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and shall not affect the trial.

Order Date :- 28.6.2024
Anuj Singh