

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2313 of 2021

Applicant :- Neetu Tripathi

Opposite Party :- State of U.P.

Counsel for Applicant :- Prakash Chandra Srivastava

Counsel for Opposite Party :- G.A., Praveen Kumar Singh, Syed Imran Ibrahim

Hon'ble Ali Zamin, J.

Supplementary affidavit and supplementary counter affidavit filed today is taken on record.

Heard learned counsel for the applicant, learned A.G.A. for the State as well as learned counsel for the informant and perused the record.

The present bail application has been filed by the applicant with the prayer to enlarge him on bail in Case Crime No. 1611 of 2019, under Sections 419, 420, 467, 468, 471, 406 506, 392, 120-B IPC, P.S. Cantt., District Varanasi.

Learned counsel for the applicant submits that according to FIR version, husband of informant established Vaishali Real Estate Pvt. Ltd. in the year 2005, which worked for purchase and sale of land and initially directors of the company were Ravindra Kumar and Ajay Rai. In the year 2009 Ajay Rai resigned and informant was made director along with Kripa Shankar Rai. In the year 2016 one Neetu Tripathi came in the contact of her husband and they developed intimacy and due to intimacy of the applicant with the informant's husband relation of informant with her husband started deteriorating. Applicant preparing forged papers and forged signature of the informant transferred the Company's office at her own residence, ousted the informant from the company and misappropriated her Company shares. On the basis of forged signatures a new account was opened in the SBI, Rath Yatra, Varanasi and money was transferred in the aforesaid account and was misappropriated by her personal expenditure. He further submits that the statement of informant was supported by Kripa Shankar Rai, she used to put her signature in English language and for resignation from the company signature has been appended in Hindi. He next submits that an application for registration of FIR has been moved by the informant by putting signature in Hindi, therefore, her statement that she put her signature in English only is falsified. He next submits that as per statement of the Branch Manager, account was opened in presence of Neetu Tripathi and Ravindra Kumar, informant's husband. He further submits that Kripa Shankar Rai registered FIR as Case Crime No. 1590 of 2019, under Sections 419, 46, 471, 406, 506 IPC, P.S. Cantt. Varanasi in which too similar allegations were levelled in which applicant has been enlarged on bail by this court vide order dated 22.10.2020 in Case Crime No.3309 of 2020 against which informant approached The Hon'ble Apex Court but order of this Court has been affirmed by Apex Court vide its order dated 08.03.2021. Applicant has criminal history of 10 cases, which have been explained in para 17 of the affidavit filed in

support of bail application and as well as in para 3 of the supplementary affidavit. He also submits that in one Gangster Case Crime No. 676 of 2020 he has not moved bail application before this Court. He next submits that the applicant is lady and claims benefit of Section 437 of Cr.P.C. He further submits that there is no possibility of the applicant of fleeing away from the judicial process or tampering with the witnesses and, in case, the applicant is enlarged on bail, the applicant shall not misuse the liberty of bail and the applicant is languishing in jail since 04.07.2020

Per contra, learned A.G.A as well as learned counsel for the informant oppose the bail prayer by submitting that informant has been ousted from the company by means of forged signature and money has been transferred in the account opened by means of forged documents and different persons have lodged FIR against the applicant. They further submit that as per statement of chartered accountant at page 32 of the supplementary counter affidavit, on asking by the I.O. that who and to whom shares of the informant were transferred, he kept mum and a perusal of annual return of the company of the year 2016 -2017 would show that 1200 shares of informant have been reduced to zero and inducted in the applicant's account, which impliedly supports version of the informant that the shares of informant were transferred fraudulently in favour of applicant. They also submit that as per paper no.22 of the supplementary counter affidavit by undated resolution applicant and co-accused Ravindra opened account no. 37657013838 and when due to fraudulent opening of the account information was given to the Bank then it was seized. They next submit that as per paper no.31 of the counter affidavit, details of 10 criminal history of the applicant has been disclosed. They further submit that as per investigation several letters were sent by the I.O. to the applicant for making available the signature on the resignation letter but same was not given to the informant.

Considering the facts and circumstances of the case as well as submissions advanced by learned counsel for the parties, as per statement of Bank Manager, in presence of applicant and co-accused Ravindra Kumar account was opened without knowledge of the informant and transfer of all the 1200 shares of informant to the applicant and also perusing the material on record, without expressing any opinion on merit of the case, I do not find a fit case for bail.

Consequently, the prayer for bail of the applicant **Neetu Tripathi** is hereby refused and the bail application is rejected.

However, the trial court is directed to expedite the aforesaid case in accordance with law without granting unnecessary adjournments to either of the parties as expeditiously as possible.

Order Date :- 19.3.2021
MAA/-