

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 7168 of 2022

Applicant :- Richa Dubey

Opposite Party :- State of U.P.

Counsel for Applicant :- Prabha Shanker Mishra, Ayush
Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Suresh Kumar Gupta, J.

Heard Mr. Prabha Shanker Mishra, learned counsel for the applicant and learned Additional Government Advocate for the State.

The present bail application under Section 438 Cr.P.C. has been filed for grant of anticipatory bail as the applicant is apprehending her arrest in connection with Case Crime No.0323 of 2020, under Sections 419 and 420 IPC, Police Station Chaubeypur, District Kanpur Nagar.

Learned counsel for the applicant has submitted that applicant is innocent and has been falsely implicated in the present case. The applicant has never committed any offence as alleged in the impugned FIR. Further submission is that earlier the applicant was granted anticipatory bail till filing of charge sheet by means of Criminal Misc. Anticipatory Bail Application No.9708 of 2020 vide order dated 27.01.2021 copy whereof has been annexed as Annexure No.1 to the affidavit filed in support of application. Further submission is that during investigation, the applicant fully cooperated in investigation, but the Investigating Officer ignoring this fact, without collecting cogent and credible evidence submitted charge sheet against the applicant. Further submission is that the applicant has already been enlarged on anticipatory bail and during this period the applicant has not misused the liberty of bail, therefore, there is no need of custodial interrogation of the applicant, hence, the applicant may be enlarged on anticipatory bail till conclusion of trial. The applicant is having no criminal history.

Learned A.G.A. does not dispute the aforesaid contention of learned counsel for the applicant.

After hearing the learned counsel for the accused-applicant and going through the entire record, I find substance in the argument advanced on behalf of the accused-applicant.

In view of the aforesaid, I find it to be a fit case for grant of anticipatory bail to the applicant.

Let the applicant-**Richa Dubey**, be released on bail by the trial Court till conclusion of trial on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the trial Court concerned with the following conditions:-

(i) the applicant shall file an undertaking to the effect that she shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law;

(ii) the applicant shall remain present before the trial court on each date fixed, either personally or through her counsel. In case of her absence, without sufficient cause, the trial court may proceed against her under Section 229-A of the Indian Penal Code. The applicant shall cooperate in the investigation;

(iii) in case, the applicant misuses the liberty of bail and in order to secure her presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against her in accordance with law, under Section 174-A of the Indian Penal Code; and

(iv) the applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of her bail and proceed against her in accordance with law.

(v) The accused/appellant shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

(vi) The computer generated copy of such order shall be self attested by the counsel of the party concerned.

(vii) The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

With the aforesaid directions/observations, the present anticipatory bail application is **allowed**.

Order Date :- 23.8.2022

Ajeet