

# **Smt. Kavita vs State Of U.P. on 31 January, 2025**

**Author: Ajay Bhanot**

**Bench: Ajay Bhanot**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14573

Court No. - 5

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3075 of 2025

Applicant :- Smt. Kavita

Opposite Party :- State of U.P.

Counsel for Applicant :- Shyam Surat Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Matter is taken up in the revised call.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 288 of 2024 at Police Station Loni Border, District Ghaziabad under Sections 147, 148, 149, 324, 302, 307, 341, 120-B I.P.C. The applicant is in jail since 14.05.2024.

The bail application of the applicant was rejected by the learned trial court on 03.01.2025.

The following arguments made by Shri Shailendra Kumar Ojha, learned counsel holding brief of Shri Shyam Surat Shukla, learned counsel on behalf of the applicant which could not be satisfactorily refuted by Shri Kapil Tyagi, learned counsel assisted by Shri Sita Ram Patel, learned

counsel for the informant and Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. The applicant is the sister of the deceased. There was a dispute between the principal offender Pawan Bhati and the deceased.
2. The applicant had been nominated at the instigation of inimical parties in the family.
3. The applicant had no motive to commit the offence.
4. A vague and general role has been assigned to the applicant in the FIR.
5. No incriminating article has been recovered from the applicant.
6. The role of the applicant is distinguishable from Chanchal whose bail has been declined by this Court.
7. The applicant does not have any criminal history apart from this case.
8. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of her influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant-Smt. Kavita be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

- (i) The applicant will not tamper with the evidence or influence any witness during the trial.
- (ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

The learned trial court is directed to fix the sureties after due application of mind in light of the judgement rendered by this Court in Arvind Singh v. State of U.P. Thru. Prin. Secy. Home Deptt. (Application U/S 482 No.2613 of 2023).

The learned trial court shall ensure that the right of bail of the applicant granted by this Court is not frustrated by arbitrary demands of sureties or onerous conditions which are unrelated to the

socioeconomic status of the applicant.

Needless to add, in case the applicant or any accused person who have been enlarged on bail do not cooperate in the trial or adopts dilatory tactics, the learned trial court shall record a finding to this effect and cancel the bail without recourse to this Court.

Order Date :- 31.1.2025 Jaswant