

# **Nancy Phillips vs State Of U.P. And Another on 17 November, 2020**

**Author: Saumitra Dayal Singh**

**Bench: Saumitra Dayal Singh**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 65

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 5171 of 2020

Applicant :- Nancy Phillips

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Jagat Mohan Bind

Counsel for Opposite Party :- G.A.,Ajay Singh

Hon'ble Saumitra Dayal Singh,J.

1. Heard Sri Jagat Mohan Bind, learned counsel for the applicant; Sri Devendra Gupta, Advocate, holding brief of Sri Ajay Singh, learned counsel for the informant and learned A.G.A. for the State.
2. This anticipatory bail application has been filed on behalf of the applicant - Nancy Phillips, seeking anticipatory bail in Case Crime No. 205 of 2020, under Sections - 406, 419, 420 I.P.C., Police Station - Mughalsarai, District - Chandauli, during pendency of trial.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated by her mother-in-law/informant. The real dispute is stated to be between her husband and the daughter of the informant, which has unnecessarily been given a colour of criminal prosecution. The bank passbooks and cheque books which are alleged to have been fraudulently obtained by the applicant's husband, are later stated to have been available with the informant. It is in that context that further

allegation of theft has been made against the husband of the applicant.

4. Present application has been opposed by learned AGA and learned counsel for the informant, who would submit that husband of the applicant is not the son of the informant but is the adopted son of informant's sister Mrs. Liskina Das and as such, husband of the present applicant has been falsely representing to be the informant's son. Upon such representation, he has been able to obtain access to the bank account of the informant and thereafter fraudulently withdrawn valuable amounts. Against the present applicant allegations have been made of committing domestic violence and participation in offence committed by her husband.

5. Without drawing any conclusion of fact and without suggesting any, keeping in mind the allegations made in the FIR, in the first place, a proper and full-fledged investigation is necessary to be made as various factual issues are in dispute. Also, any interference made by the Court, at this stage, in exercise of its discretionary jurisdiction, may be counter productive to the interest of fair investigation.

6. Accordingly, the present application is rejected. However, in the event of regular bail being applied by the applicant, the same may be decided on its own merit without being prejudiced by any observation made in this order.

Order Date :- 17.11.2020 Abhilash