

(2010) 10 AHC CK 0271**Allahabad High Court****Case No:** Criminal Miscellaneous Bail Application No. 28385 of 2010

Smt. Anita Devi and Others

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: Oct. 28, 2010**Acts Referred:**

- Penal Code, 1860 (IPC) - Section 380, 411, 457

Hon'ble Judges: Naheed Ara Moonis, J**Bench:** Single Bench**Final Decision:** Dismissed**Judgement**

Naheed Ara Moonis, J.

- Heard, the learned Counsel for the applicants the learned AGA for the State and perused the record.
- The present bail application has been moved by the applicants Smt. Anita Devi, Smt. Neha and Smt. Reena in case crime No. 372 of 2010, under Sections 457, 380 and 411 IPC, P.S. Lanka, district Varanasi with a prayer that they may be admitted to bail.
- A first information report was registered on 19.8.2010 at 8.50 A.M. that in the night of about 2 P.M. some unknown persons entered into the house of the complainant and lifted out two suitcase containing valuable ornaments and clothes. The applicants were arrested on the very next day. The alleged stolen suitcase were recovered from their possession. It is submitted by the learned Counsel for the applicants that the applicants have been falsely implicated in this case. No identification with regard to the alleged stolen suitcase was done. At the time of recovery paltry sum and some articles were recovered, which falsifies the prosecution case. The applicants are petty labourers who are residing near the railway station. It has further been contended that that there was no independent

witness of the alleged recovery. On the other hand learned A.G.A. has opposed the bail application by contending that the applicants are Banjara by caste have no permanent resident and there are chance of absconding, in case they are enlarged on bail they will misuse the liberty bail. The applicants are in jail since 19.8.2010.

4. Considering the facts and circumstances of the case and submission made by the learned Counsel for the applicants and without expressing any opinion of the merits of the case, the applicants are entitled to be released on bail.

5. Let the applicants Smt. Anita Devi, Smt. Neha and Smt. Reena involved in case crime No. 372 of 2010, under Sections 457, 380 and 411 IPC, P.S. Lanka, district Varanasi be enlarged on bail, on their executing a personal bond and furnishing two heavy sureties each in the like amount to the satisfaction of the court concerned, with the following conditions:

- (i) The applicants will not indulge in any such activity in future.
- (ii) The applicants will not pressurise/ intimidate the prosecution witnesses and tamper evidence during trial.
- (iii) The applicants will appear before the trial court in the second week of every month.

6. In defiance of any of the aforesaid conditions, the court below will be at liberty to cancel the bail of the applicants.