



2026:AHC-LKO:19372

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1321 of 2026

Seema Upadhyay

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Prin. Secy.
Home Civil Sectt. Lko.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Virendra Kumar Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 15

HON'BLE KARUNESH SINGH PAWAR, J.

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

The accused-applicant seeks bail in Case Crime No. 273 of 2025, under Sections 338, 336(3), 340(2) BNS, Police Station Mohanlalganj, District Lucknow.

In the prosecution case, it is alleged that the informant purchased Plot No. C-118 for a consideration amount of Rs. 9 lakhs, which was duly paid. However, despite execution of the registered sale deed, possession of the said plot has not been handed over to the informant. It is further alleged that upon demanding possession, the informant was threatened by the accused-applicant.

Learned counsel for the applicant submits that the applicant had earlier been granted bail in the same case under Sections 61(2), 316(5), 318(4), and 351 BNS vide order dated 06.11.2025 passed in Criminal Misc. Bail Application No. 10194 of 2025 (Seema Upadhyay vs. State of U.P.), a copy of which has been annexed as Annexure-3 to the bail application. It is further submitted that the applicant has a criminal history of 11 cases, which has been duly explained in paragraph 11 of the bail application. The offences are triable by a Magistrate. After grant of bail, Sections 338, 336(3), and 340(2) BNS have been added. It is also submitted that the charge-sheet has

already been filed in the present case.

It is further contended that there is no likelihood of the applicant fleeing from justice or tampering with prosecution witnesses, and in case she is enlarged on bail, she shall not misuse the liberty of bail.

Learned A.G.A. has opposed the bail prayer but could not dispute the aforesaid facts.

I have considered the submissions advanced by learned counsel for the parties and perused the material on record.

Considering the facts and circumstances of the case, particularly that the applicant is a lady; she had earlier been enlarged on bail in the same case under the original sections; the subsequently added Sections 338, 336(3) and 340(2) BNS are also triable by a Magistrate; the criminal history of the applicant has been duly explained; the charge-sheet has already been filed; the applicant is in judicial custody since 23.07.2025, this Court is of the view that no useful purpose would be served in keeping the applicant in further incarceration; there is also no material on record to indicate that the applicant is likely to flee from justice or tamper with prosecution evidence and without expressing any opinion on the merits of the case, I find it to be a fit case for grant of bail.

Accordingly, the bail application is allowed.

Let the applicant **Seema Upadhyay**, involved in the aforesaid FIR/Case crime number, be released on bail in the aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial Court.

Any other condition(s) which the trial court/concerned court may deem fit and proper, in the circumstances of the case, may also be imposed.

It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

March 17, 2026
Madhu J.R/P.S

(Karunesh Singh Pawar,J.)