



2026:AHC:8343

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 41457 of 2025

Smt. Sushma

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Nisha Chouhan, Shailendra Singh Rathore

Counsel for Opposite Party(s) : G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Supplementary affidavit filed today is taken on record.

Heard Shri Shailendra Singh Rathore, learned counsel for the applicant and Shri Yagyavalka Pandey, learned A.G.A. for the State respondents and perused the record.

This bail application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, has been moved on behalf of accused-applicant- Smt. Shushma, seeking enlargement on bail in Case Crime No. 470 of 2022, under Sections 420, 406, 467, 468, 471, 34 I.P.C. and Section 3/4/5/6 Banning Act, Police Station-Garhmukteshwar, District-Hapur, during pendency of trial.

Learned counsel for the applicant argued that the accused-applicant is innocent. She has been falsely implicated in this very case crime number and is languishing in jail since 12.09.2022. Learned counsel for the applicant submits that the applicant was not named in the First Information Report. Her name has been surfaced during the investigation. He further submits that the real fact is that the applicant has nothing to do with the alleged offence as she never participated in any business transaction or business dealing of the alleged company. After arguing at some length learned counsel for the applicant submits that the applicant is lady and is languishing in jail since last more than three years. Criminal history of 44 cases has been properly explained and there is no likelihood

of her fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

Learned AGA has vehemently opposed the bail plea by submitting that the applicant is an active member of a syndicate which is continuously indulging in duping the money of the innocent people but could not dispute the aforesaid facts.

Considering all above facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness, period of incarceration as well as mandate of the Ist Proviso of Section 437 (1) Cr.P.C./1st Proviso of Section 480 (1) B.N.S.S. and prima facie case, but without commenting on merit of case, a case for bail is made out.

Accordingly, the bail application is ***allowed***.

Let the accused-applicant, Smt. ***Shushma***, involved in above mentioned case crime number be released on bail, on her executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless her personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel her bail.

(Ashutosh Srivastava,J.)

January 13, 2026

Deepak/