

A.F.R.

Neutral Citation No. - 2024:AHC:32810

Court No. - 75

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 13634 of 2023

Applicant :- Smt. Vinita Mehrotra

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

Counsel for Applicant :- Bhuvnesh Kumar Singh

Counsel for Opposite Party :- G.A.,Amit Daga

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Bhuvnesh Kumar Singh, learned counsel for the applicant, Sri Amit Daga, learned counsel for the informant and Sri Sunil Kumar, learned A.G.A. for the State as well as perused the material placed on record.
3. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.894 of 2022 registered under Sections 420, 467, 468, 471 and 120-B IPC at Police Station- Kotwali City, District Bijnor with a prayer to enlarge her on anticipatory bail.

PROSECUTION STORY:

4. The FIR was instituted by the informant Rakesh Sharma that he and his wife have a property in Civil Lines, Bijnor which has residence, shops and open land surrounded by boundary wall which is being used by them for the last 50 years. The said property was inherited by the informant after a family partition in the year 1974 after an order was taken from the Court. The two persons namely, Mohammed Talib and Shankar Lal, are land mafias of the area and have garnered huge black money out of it. They want to illegally grab his property. The informant had sold a certain part of the said property on 14.11.2022. It is learnt that the said land mafias have got executed ten sale deeds of certain parts of the land on

25.11.2022 in the names of their siblings in collusion with Vinita Mehrotra w/o Shri PK Mehrotra. The land grabber had got the said sale deeds executed, despite knowing the fact that Smt. Vinita Mehrotra (applicant) does not have any title to the said land.

5. It is further stated in the FIR that the informant had contested several petitions up to the Supreme Court for getting certain shops vacated by filing petitions under the Rent Control Act. The said sale deed have been executed for a consideration of Rs.3,25,00,000,- although the real value in the open market is much more than the amount shown in the sale deeds.

RIVAL CONTENTIONS:

(Arguments on behalf of applicant)

6. The instant dispute relates to the property under the name of 'Dharm Bhawan' having an approximate area of 2400 square yards situated in the city of Bijnor, U.P.

7. The original owner of the said property was Sahdev Sharma whose wife was Smt. Kusum Rani Sharma and the couple had three siblings, namely, Vinita Mehrotra (applicant), Rakesh Sharma and Sangeeta Narang. The said Sahdev Sharma, father of the applicant, expired on 20.06.2012 and thereafter his wife Kusum Rani Sharma expired on 20.06.2012. It is placed on record that the informant Rakesh Sharma is a practising advocate at the District Court, Bijnor and so was his father Sahdev Sharma and was even a Government Counsel (ADGC) at the District Court, Bijnor.

8. The informant is stated to have filed a collusive suit bearing O.S. No.28 of 1974 before the Civil Judge, Bijnor for partition and permanent injunction under the name of his mother and his father Sahdev Sharma was made a defendant in it during the life time of Dharmveer Sharma (father of Sahdev Sharma, who died on 1.1.1975). In the said original suit, a compromise was filed by the parties on 15.04.1974 and the same was

decided on the basis of the said compromise the same day i.e. 15.04.1974 itself and a decree was passed.

9. It is pertinent to mention that the applicant- Vinita Mehrotra, who was already married off in the year 1967, was not a party in the said original suit, as such had no inkling of the said collusive suit and decree obtained by the informant. It is also stated that just 18 days before the death of Smt. Kusum Rani Sharma (mother of the applicant and the informant), a forged Will deed is stated to have been prepared in favour of first informant on 02.06.2012, which has not been signed by her. The deceased is stated to be 86 years old on 2.6.2012.

10. The instant dispute arose when the applicant sent a legal notice to the first informant for partition of the property in question and getting her one third share of the said property on 23.09.2022 and the applicant was forced to file a civil suit as O.S. No.760 of 2022 (Smt. Vinita Mehrotra vs. Rakesh Sharma and Others) on 3.10.2022 before the Civil Judge (Senior Division), Bijnor for partition of the property in question between the legal heirs of deceased Sahdev Sharma. A copy of the said civil suit has been annexed as Annexure No.4 to the anticipatory bail application.

11. The first informant filed an application Under Order VII Rule 11 of CPC on 25.11.2022 in the said original suit and only then the applicant came to know of the said collusive decree dated 15.04.1974. A copy of the said application has been annexed as Annexure No.5 to the anticipatory bail application. Subsequent to it, the applicant is stated to have filed O.S. No.967 of 2022 on 18.12.2022 for cancellation of the judgment and decree dated 15.04.1974, obtained ex-parte. The said suit is still pending and the matter is being contested before the Civil Court.

12. The applicant had also filed O.S. No.960 of 2022 before the Civil Judge (Senior Division), Bijnor for cancellation of the fake Will deed dated 2.6.2012 purported to have been executed by Late Smt. Kusum Rani Sharma, before her death on 20.06.2012. The applicant had even

filed information in the local newspaper '*Chingari*' on 3.10.2022 indicating that she holds one third share in the said property.

13. The applicant had executed ten sale deeds of the parts of the said property measuring 647 square yards for a consideration of Rs.3,25,00,000/-. The instant FIR has been instituted subsequent to the said sale deed on 6.12.2022. The applicant was granted arrest stay by this Court till the conclusion investigation vide order dated 1.2.2023 passed in Criminal Misc. Writ Petition No.1383 of 2023.

14. The informant had even forged an unregistered Will deed of his father dated 10.02.1979 and had even forged the signatures of the applicant on it. The Investigating Officer has not acted fairly and has submitted the final report (charge-sheet) mechanically in collusion with the informant, who is an advocate, and the cognizance order dated 29.03.2023 is without application of mind.

15. The application filed Under Order VII Rule 11 of CPC was allowed by the Learned Civil Judge ex-parte on 8.2.2023 without hearing the applicant that too on the date when there was a resolution of the Bar to abstain from work on account of condolence of the death of an advocate. The applicant has filed Appeal No.33 of 2023 against the said order dated 9.1.2023 of the Civil Judge before the District Judge, Bijnor, which is still pending.

16. Reliance has been placed on paragraph No.14 of the judgment of the Supreme Court passed in ***Mohammad Ibrahim and Others vs. State of Bihar and Another***¹, which reads-as-under:

“14. An analysis of Section 464 of the Penal Code shows that it divides false documents into three categories:

1. The first is where a person dishonestly or fraudulently makes or executes a document with the intention of causing it to be believed that such document was made or executed by some other person, or by the authority of some other person, by whom or by whose authority he knows it was not made or executed.

1 (2009) 8 SCC 751

2. *The second is where a person dishonestly or fraudulently, by cancellation or otherwise, alters a document in any material part, without lawful authority, after it has been made or executed by either himself or any other person.*

3. *The third is where a person dishonestly or fraudulently causes any person to sign, execute or alter a document knowing that such person could not by reason of (a) unsoundness of mind; or (b) intoxication; or (c) deception practised upon him, know the contents of the document or the nature of the alteration.*

In short, a person is said to have made a "false document", if (i) he made or executed a document claiming to be someone else or authorised by someone else; or (ii) he altered or tampered a document; or (iii) he obtained a document by practising deception, or from a person not in control of his senses."

17. The case of the applicant is squarely covered by the judgment of Mohd. Ibrahim (supra), whereby the applicant has not dishonestly or fraudulently executed the sale deed and has not altered any document or any material part in it.

18. Reliance has also been placed on paragraph Nos.35 and 37 of the judgment of Supreme Court passed in ***Mitesh Kumar J. Sha vs. The State of Karnataka and Others***², which reads-as-under:

"35. The dispute between the parties, could at best be termed as one involving a mere breach of contract. Now, whether and what, is the difference between a mere breach of contract and an offence of cheating has been discussed in the ensuing paragraphs.

37. Applying this dictum to the instant factual matrix where the key ingredient of having a dishonest or fraudulent intent under Sections 405, 419 and 420 is not made out, the case at hand, in our considered opinion is a suitable case necessitating intervention of this Court."

19. Reliance has also been placed on paragraph Nos.12 and 13 of the judgment of Supreme Court passed in ***Hira Lal and Other vs. State of U.P. And Others***³, which reads-as-under:

"12. The parameters of interference with a criminal proceeding by the High Court in exercise of its jurisdiction under Section 482 of the Code are well known. One of the grounds on which such interference is permissible is that the allegations contained in the

² (2022) 14 SCC 572

³ (2009) 11 SCC 89

complaint petition even if given face value and taken to be correct in their entirety, commission of an offence is not disclosed. The High Court may also interfere where the action on the part of the complainant is mala fide.

13. The dispute between the parties is essentially civil in nature. The will in question is a registered will. Whether it is surrounded by suspicious circumstances or not is a matter which may appropriately fall for determination in a testamentary proceeding. Prima facie, a civil court has found the said will to be genuine. A complaint petition filed by the third respondent has been rejected. A revision application filed thereagainst has also been dismissed.”

20. Reliance has also been placed on paragraph Nos.10 and 11 of the judgment of Supreme Court passed in **Ram Biraji Devi & Another vs. Umesh Kumar Singh & Another**⁴, which reads-as-under:

“10. The learned Magistrate in his order has categorically stated that the perusal of the complaint would make it clear that there was a dispute in respect of sale and purchase of land between the parties. In our view even if the allegations made in the complaint are accepted to be true and correct, the appellants cannot be said to have committed any offence of cheating or criminal breach of trust. Neither can any guilty intention be attributed to them nor can there possibly be any intention on their part to deceive the complainant. No criminal case is made out by the complainant against the appellants in his complaint and in the statements of the complainant and his witnesses recorded by the Magistrate before taking of the cognizance of the alleged offences. The averments of the complaint and the statements of the complainant and his witnesses recorded by the Magistrate would amount to civil liability inter se the parties and no criminal liability can be attributed to the appellants on the basis of the material on record. In Trisuns Chemical Industry case [(1999) 8 SCC 686 : 2000 SCC (Cri) 47] relied upon by the complainant, this Court held as under: (SCC p. 687)

"Quashing of FIR or a complaint in exercise of the inherent powers of the High Court should be limited to very extreme exceptions. Merely because an act has a civil profile is not sufficient to denude it of its criminal outfit. The provision incorporated in the agreement for referring the disputes to arbitration is not an effective substitute for a criminal prosecution when the disputed act is an offence. Arbitration is a remedy for affording reliefs to the party affected by breach of the agreement but the arbitrator cannot conduct a trial of any act which amounted to an offence albeit the same act may be connected with the discharge of any function under

4 (2006) 6 SCC 669

the agreement. Hence, those are not good reasons for the High Court to axe down the complaint at the threshold itself. The investigating agency should have had the freedom to go into the whole gamut of the allegations and to reach a conclusion of its own. Pre-emption of such investigation would be justified only in very extreme cases."

11. There cannot be any disagreement to the well-settled proposition of law that the High Court should exercise its inherent powers in extreme exceptions to quash an FIR or a complaint. The ratio as laid down in Trisuns Chemical Industry case [(1999) 8 SCC 686 : 2000 SCC (Cri) 47] is of no help and assistance to the complainant in the facts and circumstances of the present case. The complaint instituted does not disclose that an offence under Section 420 is made out. Cognizance taken by the Magistrate thereon against the appellants for offences under Sections 406/419/420 and 120-B IPC is clearly an abuse of the process of court and interference by this Court is expedient in the interest of justice. This is a case of extreme exception where the High Court ought to have exercised its inherent jurisdiction and power to set aside the unwarranted and unjustified order of the Magistrate impugned before it by the appellants."

21. The instant case is of civil in nature and the dispute is between the informant and the applicant regarding the share in the land. The said partition deed dated 15.4.1974 is under challenge before the Civil Court, Bijnor.

22. The bona-fide purchasers were granted bail by this Court vide order dated 19.7.2023 passed in Criminal Misc. Anticipatory Bail U/S 438 Cr.P.C. No.5334 of 2023. This Court was pleased to dismiss the anticipatory bail application of co-accused persons, namely, Shankar Lal and Mohd. Talib, vide order dated 19.07.2023 passed in Criminal Misc. Anticipatory Bail U/S 438 Cr.P.C. No.5822 of 2023, but the bail of co-accused Shankar Lal has been allowed by the Supreme Court while that of the co-accused person Mohd. Talib has been rejected on account of his criminal antecedents.

23. The case of the applicant is at a different footing as she is a bona-fide seller of the property she inherited from her father. The applicant has sold the property much less than her share of 800 square yards. The applicant has no criminal antecedents to her credit and being a lady of 74

years of age, is entitled for anticipatory bail. The applicant undertakes that she has co-operated in the investigation and is ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.

(Arguments on behalf of informant/State)

24. The dispute is regarding the residential land/house known as 'Dharm Bhawan' having an area of 2400 square yards located in front of Gayatri Nursing Home, Bijnor. The informant and his parents had got the marriage of the applicant solemnized in the year 1967 to a well off family and had spent money beyond their capacity, which was more than her share in the property. The husband of the applicant is a retired IAS officer. The order and decree dated 15.4.1974 is final and has not been set-aside by any Court of Law and the said act was bona-fide act of the parents of the applicant. As a result of the said decree, the deceased parents and the applicant were accorded one third share of the said property. The deceased Sahdev Sharma had executed an unregistered Will deed in favour of the informant. The copy of the said Will deed has been appended as Annexure No.CA-2 to the counter affidavit filed with the anticipatory bail application.

25. After the death of the father of the informant Sahdev Sharma on 31.01.1980, the informant became the owner of two third share of the property in dispute. The informant, being the allottee of one super deluxe flat being House No.602, located at Nanda Apartment, Kaushambi under Apartment Yojna Series 650, gifted the said flat alongwith the amount of the remaining instalments proposed to be deposited in Ghaziabad Development Authority to the applicant Vinita Mehrotra. The applicant had even acknowledged the factum of partition of the ancestral property between her parents and brother Rakesh Sharma in the year 1974 in it. The copy of the said receipt dated 10.03.1993 has been annexed as Annexure No.CA-3 to the counter affidavit filed with the anticipatory bail application.

26. The mother of the informant Smt. Kusum Rani Sharma had executed a registered Will in favour of the informant where she gave her entire share in property in dispute to the informant on 2.6.2012. The copy of the registered Will has been annexed as Annexure No.CA-5 to the counter affidavit filed with the anticipatory bail application. The mother of the informant and the applicant, Smt. Kusum Rani Sharma, expired on 20.06.2012, as such the informant became the sole title holder of the property in dispute. The applicant has no share in the said property and has illegally sold the said land. The applicant is a greedy lady and under ill advice, in order to extort money from the informant and his family members, had filed civil suit and the notice in the local newspaper.

27. The informant had executed two sale deeds on 17.10.2022 subsequent to the said civil suit instituted by the applicant of the land measuring 323.66 square meters. The applicant has executed the said sale deeds subsequent to the sale deed executed by the informant on 23.11.2022 and 25.11.2022. The applicant has executed the said ten sale deeds as a stress sale much below the market price. Even the applicant has executed a power of attorney in favour of land mafias namely, Mohd. Talib and Shankar Lal, on 03.12.2022 to take care of the civil proceedings pending as O.S. No.760 of 2022 subsequent to the FIR instituted by the informant on 6.12.2022. The factum of other civil suits pending between the parties is not disputed by the informant. The final report (charge-sheet) has been submitted against the applicant after thorough investigation by the Investigating Officer and cognizance was taken by the Magistrate concerned on 29.03.2023.

28. The co-accused person Shankar Lal has been granted anticipatory bail by the Supreme Court on 09.11.2023 and that of Mohd. Talib has been rejected vide order dated 14.12.2023 on account of his criminal antecedents.

29. The bail application of the co-accused person was allowed by this Court vide order dated 19.7.2023 passed in Criminal Misc. Anticipatory

Bail Application U/S 438 Cr.P.C. No.5334 of 2023, whereby the case of the applicant and other co-accused persons, namely, Mohd. Talib and Shankar Lal, was distinguished. The relevant paragraph of the said order is being reproduced below:

*“10. Considering the facts and circumstances of the case, arguments advanced by learned counsel for the parties as well as the judgements referred above by them and also the law laid down by the Apex Court in the case of **Sushila Aggarwal Vs. State (NCT of Delhi), 2020 SCC OnLine SC 98**, the applicants are entitled to be granted anticipatory bail in this case. However, it is made clear that the case of the applicants is at a different footing to the case of co-accused Vineeta Mehrotra, Mohd. Talib and Shanker Lal.”*

30. As such, the applicant is also not entitled for anticipatory bail on the ground of parity with the co-accused persons whose anticipatory bail application has been rejected by this Court vide order dated 19.7.2023 passed in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No.5822 of 2023.

31. Reliance has been placed on paragraph Nos.9 to 16 of the judgment of this Court dated 16.1.2024 passed in **Application U/S 482 Cr.P.C. No.11379 of 2023**, which reads as under:

“9. After mentioning the aforesaid categories, the Hon'ble Supreme Court added a note of caution to the effect that: -

"the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice."

10. In CBI versus Aryan Singh, 2023 SCC OnLine SC 379, the Hon'ble Supreme Court held that: -

"10. From the impugned common judgment and order passed by the High Court, it appears that the High Court has dealt with the proceedings before it, as if, the High Court was conducting a mini trial and/or the High Court was considering the applications against the judgment and order passed by the learned Trial

Court on conclusion of trial. As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 Cr. P.C., the Court is not required to conduct the mini trial. The High Court in the common impugned judgment and order has observed that the charges against the accused are not proved. This is not the stage where the prosecution/investigating agency is/are required to prove the charges. The charges are required to be proved during the trial on the basis of the evidence led by the prosecution/investigating agency. Therefore, the High Court has materially erred in going in detail in the allegations and the material collected during the course of the investigation against the accused, at this stage. At the stage of discharge and/or while exercising the powers under Section 482 Cr.P.C., the Court has a very limited jurisdiction and is required to consider "whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not".

11. *Therefore, the submission of the learned Counsel for the applicant that the allegations leveled in the FIR are false, cannot be examined by this Court while deciding an application under Section 482 Cr.P.C.*

12. *So far as the next submission of the learned Counsel for the applicant, that the dispute between the parties is purely civil in nature, the allegations in the FIR are that the applicant has committed the offences of criminal breach of trust and cheating against the informant.*

13. *In Pratibha v. Rameshwari Devi, (2007) 12 SCC 369, the Hon'ble Supreme Court held that "it is well settled that criminal and civil proceedings are separate and independent and the pendency of a civil proceeding cannot bring to an end a criminal proceeding even if they arise out of the same set of facts."*

14. *In Mahesh Chaudhary v. State of Rajasthan, (2009) 4 SCC 439, the Hon'ble Supreme Court held that: -*

11. The principle providing for exercise of the power by a High Court under Section 482 of the Code of Criminal Procedure to quash a criminal proceeding is well known. The Court shall ordinarily exercise the said jurisdiction, inter alia, in the event the allegations contained in the FIR or the complaint petition even if on face value are taken to be correct in their entirety, does not disclose commission of an offence.

12. It is also well settled that save and except in very exceptional circumstances, the Court would not look

to any document relied upon by the accused in support of his defence. Although allegations contained in the complaint petition may disclose a civil dispute, the same by itself may not be a ground to hold that the criminal proceedings should not be allowed to continue. For the purpose of exercising its jurisdiction, the superior courts are also required to consider as to whether the allegations made in the FIR or the complaint petition fulfil the ingredients of the offences alleged against the accused.

(Emphasis supplied)

15. *In Priti Saraf v. State (NCT of Delhi), (2021) 16 SCC 142, it was held that: -*

31. In the instant case, on a careful reading of the complaint/FIR/charge-sheet, in our view, it cannot be said that the complaint does not disclose the commission of an offence. The ingredients of the offences under Sections 406 and 420IPC cannot be said to be absent on the basis of the allegations in the complaint/FIR/charge-sheet. We would like to add that whether the allegations in the complaint are otherwise correct or not, has to be decided on the basis of the evidence to be led during the course of trial. Simply because there is a remedy provided for breach of contract or arbitral proceedings initiated at the instance of the appellants, that does not by itself clothe the court to come to a conclusion that civil remedy is the only remedy, and the initiation of criminal proceedings, in any manner, will be an abuse of the process of the court for exercising inherent powers of the High Court under Section 482CrPC for quashing such proceedings."

16. As besides the civil dispute between the parties, the allegations in the FIR make out commission of cognizable offences of criminal breach of trust and cheating by the applicant, which allegations have been established by the material collected during investigation and, accordingly, a charge-sheet has been filed against the applicant, I am of the considered view that as per the law laid down by the Hon'ble Supreme Court in Pratibha, Mahesh Chaudhary and Priti Saraf (Supra), the charge-sheet and the criminal proceedings against the applicant cannot be quashed merely because the allegations may also disclose a civil dispute between the parties."

32. If there is civil litigation pending between the parties, there is no bar in continuing with the criminal prosecution as has been settled in the judgment of **Keshav (supra)**.

33. Learned A.G.A. has reiterated the arguments tendered at bar by learned counsel for the informant and has also opposed the anticipatory bail application of the applicant, but has not disputed the facts that the applicant has no criminal antecedents to her credit and also the pendency of civil suits between the parties.

CONCLUSION:

34. The important factor to be taken into consideration is that when a person executes a document conveying a property describing it as 'his' or 'hers', there are two possibilities. The first is that he/she, as a bona-fide act, believes that the property actually belongs to him/her. The second is that he/she may be dishonestly or fraudulently claiming it to be his/her even-though he/she knows that it is not his/her property.

35. As propounded in **Mohd. Ibrahim (supra)**, to fall under the first category of false documents, it is not sufficient that a document has to be made or executed dishonestly or fraudulently. In the case herein, the applicant has executed the sale deed conveying it to be her's and has not misrepresented anyone. It is also admitted fact that prior to the institution of the FIR and even the said sale deeds, there were civil suits pending before the Civil Court, Bijnor. Thus, the exception can be drawn in favour of the applicant being a lady of 74 years of age. It is to be noted at the time of arguments in the bail application of co-accused, the facts relating to the applicant were not argued or brought forward as she was not an applicant there.

36. The argument of the counsel for the informant claiming parity of rejection of bail of co-accused does not hold good as it is settled law of the Court that parity can be claimed for grant of bail and not for its rejection. It is also to be taken into account that one of the very same accused person Shankar Lal has been enlarged on anticipatory bail by the Supreme Court vide its' order dated 09.11.2023. The case of the applicant is at a better footing to Shankar Lal as she has no criminal antecedents.

37. It is very unfortunate when familial relationships are strained by greed. Open communication and understanding can be key to resolving such issues. Sorry to see that rapacity can create conflicts and damage blood relationships. The FIR and the litigations between the parties is a fallout of depleting family relations due to avidity. The litigation can further complicate the already depleting family dynamics.

38. On due consideration to the arguments advanced by learned counsel for the applicant, learned counsel for the informant as well as learned A.G.A., taking into consideration the judgment of the Supreme Court passed in **Mohd. Ibrahim (supra)** and the fact that the bail application of the co-accused person Shankar Lal has been allowed by the Supreme Court vide its' order dated 9.11.2023 coupled with the fact that the applicant has no criminal antecedents to her credit, and considering the nature of accusations, the applicant is liable to be enlarged on anticipatory bail in view of the judgment of Supreme Court in the case of "*Sushila Aggarwal Vs. State (NCT of Delhi), (2020) 5 SCC 1*". The future contingencies regarding the anticipatory bail being granted to applicant shall also be taken care of as per the aforesaid judgment of the Apex Court.

39. In view of the above, the anticipatory bail application of the applicant is **allowed**. Let the accused-applicant- **Smt. Vinita Mehrotra** be released forthwith in the aforesaid case crime (supra) on anticipatory bail till the conclusion of trial on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

- (i). that the applicant shall make herself available for interrogation by a police officer as and when required;
- (ii). that the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the court or to any police officer or tamper with the evidence;
- (iii). that the applicant shall not leave India without the previous permission of the court;

(iv). that in case charge-sheet is submitted the applicant shall not tamper with the evidence during the trial;

(v). that the applicant shall not pressurize/ intimidate the prosecution witness;

(vi). that the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;

(vii). that in case of breach of any of the above conditions the court concerned shall have the liberty to cancel the bail.

40. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and shall not affect the trial.

Order Date :- 26.02.2024

Ravi Kant

(Krishan Pahal, J.)