

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, COURT NO.- 06,
ALIGARH**

Presided Over by: (Mahesha Nand Jha)....H.J.S,

J.O. ID: UP06289



Bail Application No. 6052/2022

UPAL010119722022

Rekha Devi

Vs.

State

Case Crime No. 303/2021
U/S. 406, 419 & 420 IPC
P.S. Akrabad
District- Aligarh

(1).Prefatory:-The instant bail application has been moved on behalf of accused/applicant Rekha Devi w/o Shri Jaswant Singh, r/o- village Jirauli, Hira Singh, PS. Akrabad, District- Aligarh, in case crime no. 303/2021, u/s. 406, 419 & 420 IPC, PS. Akrabad, District- Aligarh.

(2). Prosecution Narrative:- In the instant case F.I.R. was lodged on 31.07.2021, u/s. 406, 419 & 420 IPC against two accused persons Rekha Devi, Rajendra and one unknow woman. As per F.I.R. version the case of complainant's sons and husband were pending in the Court. One S.T. No. 524/2016, u/s. 147, 148, 149, 307 & 302 IPC was pending before the Court of A.D.J-I, Aligarh at the stage of judgment. Rekha Devi w/o Jaswant Singh r/o- village Jirauli, said to complainant that if she wants to get judgment in her favor, she will get it done with the help of a woman. Since 7 years, Rekha Devi was not living her matrimonial home. She lives in Sasnigate, Mohalla Jaiganj. The matrimonial home of Rekha Devi is village Udhar, in District- Mathura. Many times Rekha Devi met with complainant in Court and gave her mobile numbers to the complainant. On several times she talked to her. Once Rekha Devi called her to Center Point, Aligarh with Rs. 10 Lacs. The complainant reached to Center point at or around 4 pm with 10 Lacs rupees which she had arranged after mortgaging her property. Rekha took the complainant to another woman who was sitting in car and said her to deliver the money to her assuring that her work will be done. When the complainant asked that woman to give her mobile number, she declined and said her to keep on talking to Rekha assuring that her work will be done. At that time accused Rajendra, brother of Rekha was also present and he assured to her that as she is giving money, her work will be done. Complainant informed him that the judgment is fixed for 07.04.2021. However, on the date of judgment, judgment of conviction was passed against her husband and son and they were taken into custody and on 09.04.2021 they were sentenced to life imprisonment. When she contacted Rekha after judgment and demanded back her money, she assured that her money will be returned. However, her money were not returned and Rekha switched off her mobile phone. Thereafter, complainant searched Rekha Devi on her address but she did not find her. Therefore, complainant lodged F.I.R. and requested to take appropriate legal action against the accused persons.

(3).- Averments and submissions on behalf of the Accused :- According to the grounds of bail, as stated in the application, that the accused/applicant has been falsely implicated in the instant case. Accuse/applicant is quite innocent. Applicant/ accused is in custody since 27.09.2022. Accused/applicant is not a previous convict and has no criminal history. This is the first bail application filed on behalf of the accused. No bail application is pending in any other Court or in the Hon'ble High Court. The Id. Counsel of the accused has, inter alia, argued that the accused has been falsely implicated. Hence, the bail application is liable to be allowed.

(4). Submissions on behalf of Prosecution:- Per contra, the Id. ADGC(crl.) the accused has committed serious offence and if he is granted bail, he would misuse the same and may commit similar offence in future. Therefore the bail application is liable to be rejected.

(5). Heard the Id. Counsel of the accused and Id. ADGC(Criminals) and perused the case diary and papers on the records.

(6). Findings:- In the instant case bail of co-accused Rajendra has been rejected by this Court vide order dt. 03.09.2022. It is noteworthy that in the instant case accused Rekha was involved with her brother Rajendra and one unknown woman in a racket to cheat people in the name of getting judgment in their favour from the Court of law. The amount involved is very hefty and the complainant has arranged the money after mortgaging her property. It seems that the accused falsely represented to the complainant that she will manage judgment of the Court in her favour. If any person assures some one that he will obtain judgment of acquittal in his favour and obtains hefty some of money, it is a very serious offence. As the judgment was pronounced against the accused persons, it seems that the accused persons falsely represented that they will help the complainant to obtain judgment of acquittal in favour of her husband and son. Therefore, the allegation of very grave and serious nature which disentitles the accused persons to the relief of bail. Therefore, in the light of above facts and surrounding circumstances of the case, the bail application is liable to be rejected.

ORDER

The bail application of the accused/applicant Rekha Devi w/o Shri Jaswant Singh, r/o- village Jirauli, Hira Singh, PS. Akraabad, District- Aligarh, in case crime no. 303/2021, u/s. 406, 419 & 420 IPC, PS. Akraabad, District- Aligarh is, hereby, rejected.

Date: 18.10.2022

(Mahesha Nand Jha)
Additional Sessions Judge
Court No.-06, Aligarh