

(ITEM NO.6

COURT NO.7

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).4240/2009

(From the judgement and order dated 16/04/2009 in CRMA No.
21253/2008 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

SHAKUNTALA DEVI

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

(With appln. for directions and office report)

Date: 16/11/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN

HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s)

Mr.Vivek Vishnoi, Adv.
Mr.Mukesh Verma, Adv.
Mr.M.R. Shamsad, Adv.
Mr.Aftab Alam, Adv.
Mr. Yash Pal Dhingra,Adv.

For Respondent(s)

Mr.T.N. Singh, Adv.
Mr.Manoj K.Mishra, Adv.
Mr.Rajeev Dubey, Adv.
Mr. Kamalendra Mishra,Adv.

Mr.H.P. Raval, ASG
Mr.C.P. Sharma, Adv.
Mr.TA Khan, Adv.
Mr. Arvind Kumar Sharma ,Adv

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is partly allowed and it is directed
that the appellant shall be admitted to bail on her
depositing an amount of Rs.1 lakh with one surety in
the like amount to the satisfaction of the C.B.I.
Court, Ghaziabad. The rest of the conditions imposed
in the impugned order shall remain unaltered.

[Usha Bhardwaj]
Court Master

[Pushap Lata Bhardwaj]
Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2142 OF 2009
(Arising out of S.L.P. (Criminal) No.4240 of 2009)

Shakuntla Devi

...Appellant

Versus

State of U.P.

...Respondent

O R D E R

Leave granted.

This appeal is directed against the order dated 16th April, 2009 passed by the High Court of Judicature at Allahabad in Criminal Miscellaneous Bail Application No. 21253 of 2008. By the impugned order the High Court has granted regular bail to the appellant in Crime Case No.152 of 2008. While granting bail the High Court has imposed the following conditions: (i) that the applicant shall co-operate with the investigating agency, (ii) that she will not leave district Ghaziabad without intimation to the I.O., (iii) that the applicant make deposit of the amount charged against her through a bank draft in the name of C.B.I. Court Ghaziabad, which shall be subject to the final outcome of the trial against her.

The grievance of the appellant in the present appeal is that afore-extracted condition No.3 whereby the appellant has been directed to deposit an amount charged against her, is too onerous inasmuch as the amount works out to Rs.12,35,000/-. Learned counsel appearing on behalf of the appellant submits that the appellant has no resource to pay the said amount. She is a house wife having no ..2/-

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source of income. Learned counsel has prayed that the said condition may be waived.

Learned Additional Solicitor General, on the other hand, appearing on behalf of the Central Bureau of Investigation submits that since the charges against the appellant are serious and as per the information collected by the C.B.I. the aforementioned amount has been withdrawn from the fictitious accounts created for a specific purpose, the condition imposed by the High Court is fully justified.

Having regard to the facts and circumstances of the case, we are of the view that the said conditions needs to be modified.

Accordingly, the appeal is partly allowed and it is directed that the appellant shall be admitted to bail on her depositing an amount of Rs.1 lakh with one surety in the like amount to the satisfaction of the C.B.I. Court, Ghaziabad. The rest of the conditions imposed in the impugned order shall remain unaltered.

The appeal stands disposed of accordingly.

.....J.
(D.K. JAIN)

.....J.
(H.L. DATTU)

New Delhi,
November 16, 2009.