

**IN THE COURT OF ADDITIONAL SESSION JUDGE/SPECIAL
JUDGE(CBI) V LUCKNOW**

Crl Appeal No.141 of 2014

1. Umesh Chandra, aged about 48 years, son of Sri Balap Ram,
2. Smt Seema, aged about 42 years, wife of Sri Umesh Chandra,
Both residents of House No.62 Drona Vihar, Baspur Road, P.S.Kashipur, Udham Singh Nagar(Uttarakhand).
3. Smt Sunita Arya, aged about 40 years, wife of Sri Naveen Chandra Arya, resident of Village SaryuTola, P.S.Bheemtal, District Nainital Uttarakhand.

.....Applicants

Versus

The State

.....Opposite Party

In re:

Crl Appeal No.141 of 2014

Madhu Rani Arya

.....Appellant

Versus

State of UP and others

....Respondents

FF:07.10.2014

APPLICATION FOR BAIL

The applicants most humbly and respectfully submit as under:-

1. That the applicants have been falsely implicated by the complainant Chani Ram Arya in Crime No.398/2007 U/s 498-A, 504, 506 I.P.C. and 3/4 DP Act and the case was registered with Police Alambagh Lucknow together with Sanjay Kumar(husband), Smt Vimla Rani(mother-in-law), Susheel(brother-in-law) though the applicants have no concern with the said occurrence.
2. That the applicants appeared before the learned Trial Court and during Trial they were on bail and they have not abused their liberty during trial. The applicants are the residents of Uttarakhand in their respective addresses.
3. That the applicants are law abiding and peaceful citizen and they have already given an undertaking before the learned Trial Court that they will present themselves before the Court of Law whenever their presence is required.

4. That the learned Trial Court after hearing all the parties on 25.04.2014 passed the judgment discharging them from the case and in compliance of order dated 25.04.2014 the applicant have already complied the provisions of Section 437 Criminal Procedure Court.
5. That Madhu Rani Arya daughter of complainant Chani Ram Arya has filed Criminal Appeal U/s 372 Criminal Procedure Court against the judgment and order dated 25.04.2014 passed by learned Judicial Magistrate Court No.36 Lucknow in case no.3920 of 2012(State v/s Susheel Kumar and others) before Hon'ble District Session Judge Lucknow on 07.05.2014 on which date the case was adjourned to 13.05.2014.
6. That on 13.05.2014 the Hon'ble District Session Judge has been pleased to admit the Criminal Appeal and notices has been issued to the applicants and another accused and the record of learned Trial Court has also been summoned fixing 02.07.2014.
7. That the appellant with malafide intention purposely not shown the correct address of the applicants in the memo of appeal as well as the registered address submitted along with appeal. The address of applicants has wrongly been shown as 180-E Awas Vikas Colony, P.S.Kotwali Haldwani District Nainital Utrakhnad in which address the applicants never lived as such the notice of the appeal has not been served to the applicants.
8. That on 02.07.2014 the Hon'ble Court has been pleased to issue notice to the respondents fixing 28.07.2014 for hearing and the appellant has been directed to take necessary steps within 7 days and in the meantime the Criminal Appeal has been transferred to this Hon'ble Court vide order dated 07.07.2014 and the record has been received in this Hon'ble Court on 21.07.2014 and on 28.07.2014 the case was adjourned to 06.08.2014 as the learned Presiding Officer was on leave.
9. That on 06.08.2014 this Hon'ble Court has been pleased to direct the office to get information regarding registered letter issued from the Court of Hon'ble District Session Judge to the opposite Parties and fixed the case on 20.08.2014 for hearing.
10. That the notice of the appeal has not been served to the applicants as their addresses has not been shown correctly by the appellant though the correct addresses of the applicants are already available in the judicial record of learned Trial Court and on 10.09.2014 without ascertaining the service upon the applicants, the appellant got recovery

warrant against the sureties of the applicants through concern Police Superintendent. Thus, the appellant has misused the process of law by placing wrong addresses of the applicants.

11. That on 02.10.2014 the applicants came to know through their surety Sri Susheel yadav when he was taken by the Police in compliance of order dated 10.09.2014 passed by this Hon'ble Court, that the above noted Criminal Appeal is pending against the acquittal order dated 25.04.2014 passed by learned Trial Court.
12. That the Courts remain closed from 02.10.2014 to 06.10.2014 due to Dusherra Holiday and Id-UI-Fitre as such the applicants immediately on the first occasion this day appearing before this Hon'ble Court after making necessary enquiry in the matter.
13. That the applicants are law abiding citizen and they have every respect and regard for this Hon'ble Court and they have been falsely implicated in the case though they have no concern with the affairs of Madhu Rani Arya and her husband Sanjay Kumar as applicant no.1 has even not attended the marriage ceremony and it is also relevant to mention here that the applicant no.1 has never attended his sasural with applicant no.2 since last about 19 years.
14. That during the trial Smt Vimla Devi(mother-in-law) already dead and the case of Sanjay Kumar has already been separated as he was not attending the proceeding before the learned Trial Court as such the applicants have no concern with the Crime. However the applicants are ready to furnish fresh sureties if required to ascertain their presence in the Criminal Appeal and they will not abuse their liberty.

PRAYER

It is therefore, most respectfully prayed that the Hon'ble Court be pleased to admit the applicants on bail pending Criminal Appeal before this Hon'ble Court and they will present before this Hon'ble Court whenever their personal present is required and they will not misuse their liberty.

The applicants shall ever pray for this act of Kindness.

Lucknow
Dated:07.10.2014

Advocate
Counsel for Applicants