

Neutral Citation No. - 2025:AHC-LKO:35336

Court No. - 11

Case :- CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION
U/S 482 BNSS No. - 642 of 2025

Applicant :- Sushila Yadav

Opposite Party :- State Of U.P. Thru. Prin. Secy. (Home) Lko.
And 2 Others

Counsel for Applicant :- Vineet Tripathi, Aman
Thakur, Shivanshu Goswami

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard Mr. Aman Thakur and Mr. Vineet Tripathi, learned counsel for the applicant as well as learned A.G.A. for the State and Mr. Raj Kumar Singh, learned counsel appearing for the Union of India and perused the record.
2. The instant application has been filed by applicant in Case Crime No. 0392 of 2024 U/s 420, 120 I.P.C., Police Station- Mayapuri, District- West, with a prayer to enlarged him on bail.
3. Learned counsel for the applicant submits that applicant was not named in the F.I.R. and he is resident of Maheshpur Chilwara, Kasimpur, Sitapur, Uttar Pradesh and the notice was sent on her Whatsapp number i.e. by Sub Inspector Shivpal Singh, Police Station Mayapuri, District West Delhi with a instruction that she has to appear on 13.06.2025 at Police Station Mayapuri, Districe West Delhi. He further submits that the applicant is a lady and this is very surprising that by way of aforesaid notice, the applicant is being called in the police station in the night at 21:00 hours on 13.06.2025 and he further submits that there is apprehension of detention of the applicant even she is not named in the F.I.R. He also relies

on the decision of Hon'ble Apex Court in the case of **Priya Indoria vs. State of Karnataka and others** reported in (2024) 4 SCC 746, hence, she is entitled for anticipatory bail.

4. Learned A.G.A. on the basis of documents annexing with the application does not dispute this fact that applicant is not named in the F.I.R.

5. Considering the submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of application, F.I.R., judgment passed in **Priya Indoria (Supra)** as well as other relevant documents including the copy of notice, which was forwarded on the mobile number of the applicant i.e. 8931878703, which is taken on record, contents of notice issued by Sub Inspector Shivpal Singh is as under:

NOTICE FOR APPEARANCE BY THE POLICE
(as per section 35 (3) of B.N.S.S.)

CASE FIR NO. 392/2024 DATED 15.11.2024 VS. A20/120/B/JP
Diary No. 363 PS. Mayapuri NEW DELHI
To,
M. S. Sathish Yadav
D/o. S.H. Ram Krishna Yadav
R/o. Maheshpur, Chitwan, Kumbhar Sagar,
Mob. 8931878703

In pursuance of sub-section (3) of section 35 of the Bharatiya Nagarik Sanhita, 2023, I hereby inform you that during the investigation of FIR / Case No. 392/2024 Dated 15.11.2024 w/ A20/120/B/JP registered at Police Station Mayapuri, it is revealed that there are reasonable grounds to question you to ascertain facts and circumstances from you, in relation to the present investigation, hence you are directed to appear before me at 21.11.2024 AM/PM on 13/06/25 at Mayapuri Police Station.

Although you are not being placed under arrest at this stage in respect of the aforesaid FIR, You are directed to comply with all of the following conditions/directions:-

- You will not commit any offence in future.
- You will not tamper with the evidences in the case in any manner whatsoever.
- You will not make any threat, inducement, or promise to any person acquainted with the fact of the case so as to dissuade him/her from disclosing, such facts to the court or to the police officer.
- You will appear before the court as and when required / directed.
- You will join the investigation of the case as and when required and will cooperate in the investigation.
- You will disclose all the facts truthfully without concealing any part relevant for the purpose of investigation to reach the true and accurate conclusion of the case.
- You will produce all relevant documents / material required for the purpose of investigation.
- You will render your full cooperation / assistance in apprehension of the accomplice.
- You will not allow in any manner destruction of any evidence relevant for the purpose of investigation / trial of the case.
- Any other condition, which may be imposed by the investigation Officer / SHO as per facts of the case.

Failure to attend/comply with the terms of this Notice, can render you liable for arrest u/s 35 (6) of the Bharatiya Nagarik Suraksha Sanhita, 2023

PS SI SHIVPAL SINGH
Name and Designation Officer in charge
PIS No. - 29101702
P.S. Mayapuri
Mob: 9250910209 (Seal)

6. It is evident that the aforesaid notice categorically reveals that applicant being a lady has been called at Police Station Mayapuri on 13.06.2025 at 21:00 hours and the applicant is not named in the F.I.R. and the alleged offence is triable by the Magistrate, therefore, this Court is of the view that the applicant is entitled for transit anticipatory bail and in case she is taken into custody by Investigating Officer/Investigating Agency, she shall be released forthwith on anticipatory bail after taking personal bond of **Rs. 25,000/-**.

7. The action of the officer who issued notice is not proper by which lady is directed to appear in the night at 09:00 pm.

8. Senior Registrar of this Court is directed to communicate this order to Commissioner of Police, Delhi for information and action.

Order Date :- 12.6.2025/Raj