

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 37583 of 2023

Applicant :- Shaukat Ali

Opposite Party :- State of U.P.

Counsel for Applicant :- Sunil Kumar Singh, Anil Kumar Mehrotra

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh, J.

1. Rejoinder affidavit filed in Court today, is taken on record.
2. Heard Sri Anil Kumar Mehrotra, learned counsel for the applicant as well as Sri P.C. Srivastava, learned A.A.G. for the State and perused the entire record.
3. The present bail application has been filed by the applicant in case crime No. 0076 of 2023, under Sections 420, 467, 468, 471 IPC and Section 3 of Prevention of Corruption Act, police station Gwaltoli, District Kanpur Nagar with the prayer to enlarge the applicant on bail.
4. It has been argued by learned counsel for the applicant that the applicant-accused is innocent and he has been falsely implicated in this case. The case of prosecution against applicant is that the applicant and his son have got constructed five flats on disputed land measuring about 54 sq. mt., which was Nazul land and sold the same to third parties. Learned counsel submitted that the applicant has purchased the alleged Nazul land through registered sale-deed. Whether the sale-deed of said land was valid or not, is purely a civil dispute and no criminal offence is made out. It is further submitted that the alleged flats have been sold by the son of applicant, namely, Ashraf @ Shekhu, who has already been granted interim protection in anticipatory bail application filed by him. Investigation of the case is complete and charge-sheet has already been submitted. Lastly, it was submitted that the applicant is in judicial custody since 17.12.2022 and that in case, applicant is enlarged on bail, the applicant will not misuse the liberty of bail.
5. Learned A.A.G. has opposed the prayer for bail and submitted that the construction was made on the Nazul land without getting it freehold and the flats

were further sold by the applicant and his son and thus, they have usurped the Nazul land.

6. Considering the submissions of learned counsel for the parties, nature of accusations, period of custody and all attending facts and circumstances of the case, without expressing any opinion on the merits of the case, the Court is of the view that a case for bail is made out. Hence, the bail application is hereby allowed.

7. Let the applicant **Shaukat Ali** involved in the aforesaid crime be released on bail on furnishing a personal bond and two local sureties each of the like amount to the satisfaction of court concerned subject to the following conditions:

- i. The applicant will not tamper with the evidence during trial.
- ii. The applicant will not pressurize/intimidate the prosecution witnesses.
- iii. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- iv. The applicant will not try to contact, threat or otherwise influence the complainant or any of the witness of the case.

8. In case of breach of any of the above condition, the court concerned shall be at liberty to cancel the bail of applicant, in accordance with law.

Order Date :- 31.10.2023

Anand