

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42848 of 2023

Applicant :- Bhojendra Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashish Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Ashish Kumar Singh, learned counsel for the applicant, Sri Anil Kumar Saroj, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.125 of 2023, under Sections 420, 467, 468, 471, 506, 120-B I.P.C., Police Station Tappal, District Aligarh, during the pendency of trial.
4. As per prosecution case, the deceased person Ranjeet Singh had executed a sale deed in favour of the informant, who happens to be his daughter, on 30.6.2017 before witnesses. On 18.5.2021, he had expired and the applicant in collusion with other co-accused persons are stated to have got a Will-deed executed in his favour on 19.5.2021, i.e., one day after the death of Ranjeet Singh, as such, had committed forgery.
5. Learned counsel for the applicant has argued that the applicant has been falsely implicated in the present case. The co-accused persons have already been enlarged on bail. Learned counsel has placed much reliance on Annexure-5, the death certificate of the deceased person, which indicates the date of death to be 21.5.2021. Learned counsel has stated that the said death certificate was got cancelled by the informant and after two years she has instituted the present FIR. The delay in lodging the FIR has not been explained.
6. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. There is no criminal history of the applicant. The applicant is languishing in jail since 9.8.2023. In case, the applicant is released on bail, he will not misuse the liberty of

bail.

7. Learned A.G.A. has vehemently opposed the bail application.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

9. Let the applicant- **Bhojendra Singh**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with evidence.

(ii) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

Order Date :- 28.10.2023

Vikas

[Krishan Pahal, J.]