

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44667 of 2023

Applicant :- Roopwati

Opposite Party :- State of U.P.

Counsel for Applicant :- Chandra Nath Bhatt

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.
2. The FIR in question was lodged by the informant alleging that a sale-deed got executed impersonating by the applicant as Yogendri Devi.
3. Contention of the counsel for the applicant is that the applicant is an illiterate lady and was enticed by one Kalbe Ali who is stating that certain properties have surfaced on the basis records and at his instance the sale-deed was executed. It is argued that an amount of Rs. 6 Lacs was transferred to the account of applicant, out of which Rs. 2 Lacs have already been returned and applicant is ready and willing to return back Rs. 4 Lacs. He next argues that the applicant is an illiterate lady and was cheated by main accused Kalbe Ali.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. Considering the fact that applicant being a lady is in custody since 16.08.2023, she has no criminal antecedents and is ready and willing to return the amount of Rs. 2 Lacs to the informant and there is nothing on record to demonstrate that the applicant if enlarged on bail, would in any way adversely affect the trial and without expressing any opinion on merit, I am of the view that the applicant is entitled to be released on bail.
6. Accordingly, the bail application is allowed.
7. Let the applicant **Roopwati** be released on bail in FIR/ Case Crime No. 0278 of 2023, under Sections 420, 467, 471, 120-B IPC, P.S. Thakurdwara, District Moradabad, on his furnishing

personal bonds and two reliable sureties of Rs. 25,000/- each to the satisfaction of the court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(d) The applicant is released on bail subject to depositing of an amount of Rs. 2 Lac to the trial court within a period of 15 days after her release.

(e) Applicant is enlarged on bail, however, in case, the amount of Rs. 2 Lac is not deposited before the trial court, the trial court shall re-arrest the applicant.

Order Date :- 31.10.2023

S.A.