

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45854 of 2023

Applicant :- Shiv Narayan Alias Pappu

Opposite Party :- State of U.P.

Counsel for Applicant :- Prem Chandra Dwivedi

Counsel for Opposite Party :- G.A., Vivek Kumar Sharma

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. In terms of the FIR, it was alleged that the informant had executed a registered power of attorney on 9.12.2009 in favour of the wife of the applicant, subsequently, it was recorded that the registered power of attorney was said to be cancelled though a simple letter sent through ordinary post.
3. Learned counsel for the applicant submits that on the basis of the said power of attorney a sale deed was executed on 7.4.2012 in favour of another person namely, Chhaviram and further a sale deed was executed on 10.7.2020. The applicant is only the marginal witness of the alleged sale deed. It is further submitted that a registered power of attorney was said to be cancelled through simple letter sent through ordinary post. A civil suit between the parties is still pending. The applicant is said to be a marginal witness of the sale deed. The applicant has no criminal history in his credit and he is languishing in jail since 19.9.2023, is entitled to be enlarged on bail.
4. Learned AGA has opposed the bail application.
5. Considering the fact that prima facie a registered power of attorney was said to be cancelled through sa simple letter sent through ordinary post and the applicant, who is only said to be a marginal witness of the sale deed and the applicant has no criminal history in his credit and he is languishing in jail since 19.9.2023, is entitled to be enlarged on bail. In view thereof, the application is allowed.
6. Let the applicant **Shiv Narayan Alias Pappu** be released on bail in FIR No. 60 of 2021, under Sections 420, 467, 468, 471, 323, 504 and 506 I.P.C., P.S. Sadar Bazar, district-Agra, on his

furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of 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.

Order Date :- 7.11.2023

Faridul