

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45794 of 2023

Applicant :- Sri Nivas

Opposite Party :- State of U.P.

Counsel for Applicant :- Navin Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. The FIR in question was lodged by the informant, who is the brother of the main accused Sukhbir, alleging that Sukhbir had executed a sale-deed in absence of the informant. It is stated that the applicant is the marginal witness to the sale-deed. On perusal of the sale-deed, which is on record, it is revealed that the sale-deed was executed in the favour of Smt. Premvati, who is mother of the applicant. It also bears from the record that Suit No.80 of 2021 is pending in between the parties.
3. In sum and substance, the contention is that it was the mother of the applicant who was duped by the main accused and the applicant only being a marginal witness, who had signed based upon the photographs shown, has been falsely implicated. The applicant has no criminal antecedent and is in custody since 19.08.2023.
4. Learned AGA has opposed the bail application..
5. Considering the fact that the sale-deed was executed in favour of the mother of the applicant and a civil suit is also pending and there is no material on record to demonstrate that the applicant, if enlarged on bail, can in any way adversely affect the trial, as such, the applicant is entitled to be enlarged on bail. In view thereof, the application is ***allowed***.
6. Let the applicant ***Sri Nivas*** be released on bail in FIR No.613 of 2022, under Section 420, 467, 468, 471, 120B IPC, P.S. Jasrana, District Firozabad 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 :- 31.10.2023

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