

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46559 of 2023

Applicant :- Sonu

Opposite Party :- State of U.P.

Counsel for Applicant :- Kartikey Singh, Rohit Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

2.. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 0170 of 2021, under Sections 147, 420, 467, 468, 471, 120-B, 504, 506 I.P.C, Police Station- Chhata, District Mathura, during the pendency of trial.

3. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. From the facts of this case it transpires that one Samay Sing of Village Laadpur, Tehsil - Chhata, District Mathura, was the owner and *Bhumidhar* with transferable rights of the property. One Kalli @ Kulveer by impersonation and showing himself to be Samay Singh executed a power of attorney in favour of Sonu. Generally, the power of attorney are executed in favour of any person, who is well acquainted with the person, who is executing the power of attorney. Thus, it is very much clear that accused- Sonu was knowing that Kalli @ Kulveer, the executor of the attorney was not Samay Singh, even then he consented to be power of attorney holder of a fake person. Further, on the basis of power of attorney, the applicant Sonu executed an agreement for sale without possession. Before the execution of sale-deed the matter came into knowledge of the real owner Samay Singh, the

informant of this case and he lodged an F.I.R.

Learned counsel for the applicant further contended that a compromise has taken place and the alleged power of attorney and agreement for sale has been cancelled by the concerned court. The applicant has no criminal antecedent in his credit except one case crime no. 171 of 2020, under Section 420, 467, 468, 471, 506 120-B I.P.C, in which the applicant is in jail, which is mentioned in para 16 of the affidavit.

4. It is next contended by the learned counsel for the applicant that the co-accused- Dilip, Kalli @ Kulveer and Sonu and two others, having identical role, have been granted bail by Co-ordinate Benches of this Court in Criminal Misc.Bail Application Nos. 47949 of 2022, 47705 of 2022 and 13748 of 2023, *vide* orders dated 13.12.2022, 06.02.2022 and 27.09.2023. Learned counsel for the applicant has produced a copy of the said order, which are taken on record. The applicant claims parity. The applicant is in jail since 16.08.2023. In case, he is enlarged on bail, he will not misuse the said liberty.

5. Learned counsel for the informant assured that the above facts may be taken to be true on his assurance that the alleged power of attorney and agreement for sale has been cancelled. In view of above facts the bail applicant deserved to be allowed without prejudice to the merit of the case.

6. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions made by the counsel for the applicant.

7. Having regard to the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant - **Sonu**, involved in the aforesaid 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 the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence;
- (iii) shall not pressurize the prosecution witnesses.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 30.11.2023

Vinod/Shahroz.