

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47180 of 2023

Applicant :- Abhay Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Niraj Kumar Dwivedi, Ashish Kumar Dwivedi

Counsel for Opposite Party :- G.A., Zeeshan Mazhar

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA; Shri Zeeshan Mazhar, learned counsel for the informant and perused the record.

2. The FIR in question was lodged alleging that the informant was the allottee of a land under the provisions of the U.P. Land Revenue Act. Subsequently, it was alleged that on the basis of a lease deed allegedly executed on 22.11.1980, the informant had moved an application for mutation on the basis of the said forged lease deed and thus, the offence was committed. It is argued by counsel(s) that in between the parties, a civil litigation is going on pertaining to the rights as claimed by the rival parties. It is also argued that one of the co-accused has been enlarged on bail by the trial Court whereas the bail application of the applicant has been rejected mainly on the ground that the applicant had threatened the informant for which a separate case under Section 504/506 IPC was also registered. The applicant is in custody since 16.08.2023.

3. Learned counsel for the informant argues that the criminal antecedents have not been explained as the applicant is wanted in an offence of similar nature and also two other cases one being under Section 504/506 IPC and the second being under Section 174A IPC. In the light of the said, he argues that the bail application should be rejected.

4. Learned AGA has also opposed the bail application.

5. Considering the nature of the allegations with regard to forgery of the lease-deed of the year 22.11.1980 and the fact that a civil litigation is also pending in between both the parties and the rights flowing over the land in question shall be decided effectively in the civil proceedings, coupled with the fact that the applicant is in custody since 16.08.2023 and there is nothing 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 ***Abhay Kumar*** be released on bail in FIR No.203 of 2021, under Section 419, 420, 467, 468, 471, 120-B, 504, 506 IPC, P.S. Suriyawan, District Bhadohi 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 :- 20.11.2023

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