

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46603 of 2023

Applicant :- Shiv Shankar Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Satyendra Pandey, Arvind Kumar Pandey

Counsel for Opposite Party :- G.A., Balbeer Singh, Shiv Prakash Singh

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Satyendra Pandey, learned counsel for the applicant, learned AGA for the State, Sri Balbeer Singh, learned counsel for the informant's son Ajit Singh 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.935 of 2020, under Sections 419, 420, 467, 468, 471 IPC, Police Station Naini, District Prayagraj, during the pendency of trial.

3. Admittedly in the year 2000 the names of Ashok Kumar and Shiv Shankar (the present applicant) were recorded as tenure holder against the property in question. A suit for declaration of title was filed by the informant which was rejected by the Sub-Divisional Officer on 23.06.2010. Against the said judgment and order dated 23.06.2010 an appeal was filed by the informant which was allowed by the Commissioner, Allahabad Division, Allahabad on 17.10.2017 and matter was remanded to the Sub-Divisional Officer for afresh disposal which was withdrawn when the name of the informant was recorded against the property in question on 30.01.2018 by the Naib Tehsildar concerned without affording opportunity of hearing to the accused and Ashok Kumar.

4. Learned counsel for the applicant contends that from the side of the applicant accused, a recall application was filed which is pending in the Court of Naib Tehsildar concerned. He denies the pedigree proposed and produced by the informant and states that since long the property in question is in the name of Ashok Kumar and Shiv Shankar. It is also contended that the case is purely civil in nature, therefore, no criminal liability arises against the applicant. There is no previous criminal history against the applicant. There is no likelihood of his

abscondence or tampering with the evidence. He is in jail since 20.09.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant, from the record.

6. Having regard to the facts, circumstances and 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. Accordingly, the bail application is allowed.

7. Let the applicant - **Shiv Shankar Singh**, involved in the aforesaid case 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.

8. 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 :- 8.12.2023

Shahroz