

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51465 of 2023

Applicant :- Pappu Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Raj Pandey, Shubham Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Supplementary affidavit filed today on behalf of the applicant is taken on record.
2. Heard Sri Ram Raj Pandey, learned counsel for the applicant and Sri R.N. Srivastava, learned AGA for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 391 of 2023, under Sections 420, 306 IPC, Police Station- Dibai, District- Bulandshahar, during pendency of the trial in the court below.
4. FIR of the present case was lodged against the applicant and others on 12.09.2023 under Sections 420, 306 IPC and according to the FIR, father of the informant committed suicide due to reason that applicant alongwith other accused persons duped his property.
5. Learned counsel for the applicant submitted that entire allegation made against the applicant is totally false and baseless and some dispute with regard to property was pending between applicant and deceased and in this regard, deceased also filed a civil suit against him in the year 2012, which was decreed in his favour in the year 2014 and the competent civil Court directed the deceased to execute the sale deed with regard to the land in question in favour of the applicant and others after receiving remaining amount of money but deceased never offered the applicant for execution of sale deed and therefore, even if he committed suicide then also it cannot be said that due to abatement of the applicant, he committed suicide.
6. He further submitted that during investigation, Investigating Officer procured a suicide note of the deceased but even from the suicide note, it reflects that due to dispute of property, arose

between applicant, others and deceased, he committed suicide and it cannot be said that due to abatement of the applicant, he committed suicide.

7. He further submitted that applicant is not having any criminal history and he is in jail since 30.09.2023.

8. Per contra, learned AGA opposed the prayer for bail and submitted that from the suicide note of the deceased, it reflects that applicant and other accused persons duped huge amount of money of the deceased and due to this reason, he committed suicide and, therefore, at this stage, it cannot be said that there is no evidence of abatement against the applicant.

9. I have heard learned counsel for the parties and perused the record of the case.

10. However, from the suicide note of the deceased, it reflects that he made allegation against the applicant and other accused persons that they duped his money and out of Rs. 20 lacs, he received only Rs. 1,50,000/- but from the record, it also reflects that with regard to current dispute, deceased also filed a civil suit, which was decreed in his favour in the year 2014 and as per the decree, he had to offer remaining portion of his land to the applicant and others after receiving remaining amount of money and, therefore, it appears to be a case of civil dispute and *prima facie*, from the record, it could not be reflected at this stage that due to abatement of the applicant, deceased committed suicide.

11. Therefore, considering the facts and circumstances of the case discussed above, in my view applicant is entitled to be released on bail.

12. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

13. Let the applicant- **Pappu Singh** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

14. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

15. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 1.12.2023

KK Patel