

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49165 of 2023

Applicant :- Manveer

Opposite Party :- State of U.P.

Counsel for Applicant :- Sunil Kumar Dubey,P.K. Singh

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA; Shri B.K. Solanki, learned counsel for the informant and perused the record.
2. In terms of the FIR, it was alleged that five persons named in the FIR had tried to break open in the property of the informant and took away the increments kept there. The applicant was not named in the FIR at the first instance. Subsequently, on the basis of the claimed possession based upon family settlement of which the applicant was a marginal witness, the applicant was roped in with the offence in question. It is argued that the alleged family settlement is of the year 2008 and the applicant is only a marginal witness and in any case, no allegations have been levelled against the applicant with regard to either illegal possession or carrying away the increments which were only against the five persons named in the FIR.
3. Learned counsel for the informant, on the other hand, strongly opposed the bail application by arguing that the documents created by the accused was a forged and fabricated documents which bears the signature of the applicant as a marginal witness; the said document is of the year 2008 and thus, the bail application should be rejected. It is a common ground that the applicant has no criminal antecedent.
4. Learned AGA has also opposed the bail application.
5. Considering the fact that the initial FIR did not name the applicant coupled with the fact that *prima-facie*, the family settlement in between the minor has no legal sanctity, implicating the applicant with the offence in question is *prima-facie* unjustified as the applicant has no criminal antecedent and the documents based upon which the accused are trying to claim possession is *prima-facie* illegal as the same has been signed by a minor, as such, the applicant is entitled to be enlarged on bail. In view thereof, the application is ***allowed***.

6. Let the applicant **Manveer** be released on bail in FIR No.66 of 2022, under Section 420, 467, 468, 471, 120B IPC, P.S. Bhojpur, District Ghaziabad 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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