

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49349 of 2023

Applicant :- Nanhelal

Opposite Party :- State of U.P.

Counsel for Applicant :- Shyam Babu Patel, Darwari Lal

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Darwari Lal, learned counsel for the applicant, learned A.G.A 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. 18 of 2023, under Sections 420, 467, 468, 471, 120-B I.P.C, Police Station- C.B. Ganj, District - Bareilly, during the pendency of trial.
3. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the instant case. Learned counsel for the applicant contends that applicant has not executed a valid will-deed or power of attorney in favour of Gufran Ali to sell his property. The alleged unregistered power of attorney was on a stamp of Rs.100/-. It was executed in favour of Gufran Ali, to look after the case of partition, which was going on between the applicant and his brothers actually, Gufran Ali committed fraud with the informant. He neither committed any fraud with the informant nor has received any amount of sale consideration. The matter is civil in nature and a remedy may be obtained from the Civil Court. There is no criminal antecedent to the credit of the applicant. The applicant is in jail since 22.08.2023. In case, he is enlarged on bail, he will not misuse the said liberty.

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

5. 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.

6. Let the applicant - **Nanhelal**, 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.

7. 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 :- 5.12.2023

Vinod.