

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2704 of 2022

Applicant :- Raghunath

Opposite Party :- State Of U.P. Thru. Prin. Secy. Lko.

Counsel for Applicant :- Anil Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Anil Kumar Tiwari, the learned counsel for the applicant as well as Sri Anurag Verma, the learned A.G.A.-I for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 625 of 2021, under Sections 419, 420, 467, 468, 471 I.P.C., registered at Police Station Kotwali Nagar, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 14.08.2021, against the applicant, one Farooq and some unknown persons alleging that one Abdul Qadir Sayeed Barrister had migrated to Pakistan at the time of partition of the country and neither he nor his heirs returned to India. The applicant had got executed a fictitious sale deed dated 08.11.1984 with the intention of grabbing a part of his property and mutation was carried out in furtherance of the sale deed by means of the order dated 18.06.2019 passed by the Naib Tehsildar, Birwa.

4. The informant claims that the land owner had given him the responsibility to look after the land, although no deed has been executed in his favour by the land owner.

5. Supplementary affidavit has been filed on behalf of the applicant stating the applicant's involvement in ten other cases, four of which relate to proceedings under Section 110 G Cr.P.C. all of which stands closed after expiry of the stipulated period and in five cases the applicant is not wanted as an accused. In the tenth case the applicant has not been summoned till date.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the sale deed in question was executed on 08.11.1984 whereas the FIR has been lodged on 14.08.2021 i.e. after about 38 years; that the mutation

of the applicant' name was carried out on 18.06.2019; that as per the FIR averments, no proceedings for cancellation of sale deed have been initiated before any court and that the applicant is a 62 years old person and is languishing in jail since 14.08.2021 and as per statement of learned counsel for applicant, merely charges have been framed till date and without making any observations which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

7. Accordingly, this bail application stands allowed.

8. Let the applicant- **Raghunath** 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 Magistrate/Court concerned, subject to the following conditions: -

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

Order Date :- 20.11.2023

Renu/-