

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3641 of 2023

Applicant :- Munish

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

Counsel for Applicant :- Ram Baran Singh, Mukesh Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Heard learned counsel for the applicant, learned brief holder for the State and perused the record.

This application has been moved by the applicant with a prayer to enlarge him on bail in Case Crime No.191 of 2022, under Sections 419, 420, 467, 468, 471, 120B I.P.C., Police Station Bijnor, District- Lucknow.

It is argued by the learned counsel for the applicant that the main accused in the incident is Rajbeer Rawat. Out of Rs.39,00,000/-, Rs.22,00,000/- has been transferred in the account of Virendra and Rs.17,00,000/- is said to have been transferred in the account of Rajbeer Rawat. This Rajbeer Rawat has been granted bail by the co-ordinate Bench of this Court. The present applicant, who is said to have received only Rs. 15,000/- in cash is languishing in jail since 08.12.2022, hence, the prayer for bail is made.

Learned brief holder for the State argued that the present applicant is also involved in the incident as he is said to have received Rs.15,000/- regarding agreement to sale and he very well knew that he is not Virendra and even then impersonating him as Virendra he has received this amount.

From the perusal of the record, it is found that there is allegation that one Rajbeer allured Pradeep Yadav, the first informant to purchase the land of one Virendra and at the time of agreement to sale Rs.15,000/- are said to have been paid to present applicant Munish, who is said to have impersonated himself as Virendra. Rs. 17,00,000/- are said to have transferred in the name of Rajbeer and Rs. 22,00,000/- are said to have been transferred in the name of Virendra, the original person whose land is said to have agreed to be sold. Co-accused Rajbeer Rawat has been granted bail by the co-ordinate Bench of this Court. The allegation against the present applicant is of

receiving Rs. 15,000/- in cash impersonating him as Virendra.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail to the applicant.

The bail application is allowed.

Let the applicant, **Munish**, 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 following conditions:-

1. The applicant will attend and co-operate in the trial pending before the court concerned on the dates fixed after release.
2. The applicant will not tamper with the witnesses.
3. The applicant will not indulge himself in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 28.11.2023

Radhika