

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5480 of 2023

Applicant :- Imran @ Chand

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

Counsel for Applicant :- Amitesh Pratap Singh, Pravin Singh, Vinay Kumar Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Amitesh Pratap Singh, learned counsel for the applicant, Sri Gyanendra Singh, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.81 of 2022, under Sections 419, 420, 406, 506, 467, 468, 471 I.P.C., registered at Police Station Millarea, District Raebareli.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.02.2022 against four persons, including the applicant, in furtherance of an application under Section 156(3) Cr.P.C. alleging that informant's husband is a Sanitation Worker. In January, 2020 the applicant had offered the informant's husband to get him Bombay Houses constructed by Raebareli Development Authority upon payment of Rs.80,000/- each, through the co-accused Jitendra Kumar Shukla alias Ghanshyam Shukla, who is Junior Engineer and co-accused Ghanshyam, who is also an employee. The informant and her husband paid Rs.80,000/ for a house in the name of the informant and similar amounts from 11 other persons but allotment letter bearing dates of year 2009-10 turned out to be forged.
4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history. It has been stated in the affidavit filed on behalf of the applicant that the complaint's husband Ramesh Kumar Verma is a Sanitation Worker in Social Welfare, Department, Government of U.P. and he had taken money from several persons in the name of getting them houses allotted. The informant has filed the FIR to save her husband.
5. Learned counsel for the applicant has stated that the co-accused Jitendra Kumar Shukla alias Ghanshyam Shukla, charged with similar allegations, has been enlarged on bail by

this Court vide order dated 1.11.2023 passed in Criminal Misc. Bail Application No. 12658 of 2023, hence the applicant herein is also entitled to be released on bail on the ground of parity.

6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that prima facie it appears that the informant and her husband were involved in collecting money from several persons for getting them government houses allotted by payment of money illegally; that the informant's husband is employed in Social Welfare Department and the applicant claims that he is not employed in any Government Department and that the applicant has no previous criminal history and he is languishing in jail since 10.09.2022, whereas a co-accused has been granted bail on 1.11.2023, and without making any observation, 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 in the aforesaid crime.

8. Accordingly, this bail application stands allowed.

9. Let the applicant- **Imran alias Chand** be released on bail in aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to 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.

(Subhash Vidyarthi, J.)

Order Date :- 18.11.2023

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