

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6372 of 2023

Applicant :- Manoj Singh @ Manoj Kumar Singh

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

Counsel for Applicant :- Shailendra Kumar Misra

Counsel for Opposite Party :- G.A.

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

1. Heard learned Counsel for the applicant as well as learned A.G.A. and perused the record.
2. The accused- applicant is involved in Case Crime No. 204 of 2022, under Sections 406, 420, 467, 468 and 471 IPC, Police Station Satrikh, District Barabanki.
3. It is argued by learned counsel for applicant that there is allegation that brother of first informant executed a sale deed in favour of the applicant involving sale consideration of Rs.40,00,000/- and cheques of Rs.30,00,000/- are shown to be dishonoured. A civil suit for cancellation of sale deed was filed by the first informant but the same has been dismissed by the trial court, against which, the appeal is pending. The remedy lies in the civil court. The land in dispute is admittedly in the possession of the first informant and his brother. There is criminal history of 31 cases shown to his credit and out of 31 cases, in 15 cases the applicant is on bail. Regarding other 16 cases, the applicant has not received any summons or warrant from any court. Hence prayer for bail is made.
4. Learned A.G.A. opposed the prayer for the bail of the applicant and submitted that the applicant is a habitual criminal as 32 cases of same nature are pending against him. In the present case also a cheque of sale consideration of

Rs.30,00,000/- was dishonoured because of insufficient funds in the account of the applicant. Hence prayer for bail is prayed to be refused.

5. From the perusal of record, it is found that the alleged sale deed is said to have been executed by the brother of the first informant in favour of the applicant in the year 2014 when the cheques regarding rest sale consideration of Rs.30,00,000/- are said to have dishonoured. Admittedly, no case under Section 138 of the Negotiable Instruments Act, 1881 was filed by the first informant rather a civil suit for cancellation of sale deed was filed and the same was dismissed, against which the appeal is pending. Further after eight years of the execution of sale deed, the present FIR has been lodged by the first informant. Admittedly no case of recovery of the due amount is pending before the trial court. The applicant is said to have sold the land again in favour of rest of co-accused persons though as per the documents, the first informant and his brother are said to be in possession of the land in dispute. The dispute appears to be of civil nature. The applicant is languishing in jail since 20.02.2023.

6. 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 case of bail.

7. The bail application is allowed.

8. Let the applicant Manoj Singh alias Manoj Kumar Singh, who is involved in aforesaid 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 following conditions.

1. The applicant will attend and co-operate the trial proceedings

pending before the court concerned on the dates fixed after release.

2. He will not tamper with the witnesses.

3. He will not indulge in any illegal activities during the bail period.

9. 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 the prison.

10. 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 :- 12.12.2023

Virendra