

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7324 of 2022

Applicant :- Tilak Ram

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

Counsel for Applicant :- Syed Ahmad Mehdi,Irfan Alam

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Syed Ahmad Mehdi, learned counsel for the applicant, Sri Anurag Verma, 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.320 of 2019, under Sections 419, 420, 467, 468, 471 I.P.C., registered at Police Station Kotawali Nagar, District Faizabad.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 22.04.2019 against four persons, not including the applicant, stating that some imposter had executed a sale deed in respect of the informant's land on 16.03.2019. Applicant's name came to light during investigation on the basis of statement of the witness recorded by the Investigating Officer who had stated that it was the applicant who had executed the sale-deed.
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.
5. The State has filed a counter affidavit opposing the bail application.
6. A supplementary affidavit has filed on behalf of the applicant stating that sale-deed in question has already been cancelled by means of the judgment and decree dated 16.04.2021 passed by Additional

Civil Judge, Junior Division, Court No.10, Faizabad in O.S. No.501 of 2019.

7. Learned counsel for the applicant has made a statement at bar that although the applicant has been languishing in jail since 17.12.2019, merely charges have been framed and not a single witness has been examined till date.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has no previous criminal history and he is languishing in jail since 17.12.2019 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.

9. Accordingly, this bail application stands **allowed**.

10. Let the **applicant**-Tilak Ram 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 :- 26.10.2023
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