

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7901 of 2023

Applicant :- Tilakram

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

Counsel for Applicant :- Devendra Pratap, Shashank Shekhar Singh, Shiv Sharan Singh

Counsel for Opposite Party :- G.A., Afzal Hasan, Farooqahmad, Farooq Ahmad

Hon'ble Mrs. Jyotsna Sharma, J.

01. Heard Shri Shiv Sharan Singh, learned counsel for applicant and learned A.G.A. for the State.

02. The present bail application has been filed by the applicant seeking bail in case crime no.163 of 2022, under Sections 406, 420, 447, 467, 468, 471 and 506 I.P.C., P.S. Dubagga, District Lucknow.

03. As per prosecution case, the accused and other co-sharers executed a sale deed of the property exceeding the area for which they had the title.

04. It is contended on behalf of the applicant that he was not the party to the sale deed in question and it was co-accused Sripal who had executed sale deed. He is innocent and has wrongly been implicated on the basis of misinterpretation of another sale deed which was executed by him on 13.07.2021. The dispute is civil in nature. It is further contended that he is in judicial custody since 20.05.2023. The offence is triable by the Magistrate. As far as criminal history is concerned, out of three cases he is on bail in two cases (case crime no.658 of 2201 and case crime no.199 of 2022). In third case, crime no.190 of 2022 bail application of the applicant is pending.

05. The application for bail is opposed by learned A.G.A. However, it is conceded that that the applicant is in jail since 13.07.2021 i.e. last four months.

06. I considered nature of the allegations, role ascribed to the applicant, the evidence proposed, the severity of punishment and all other facts and circumstances of the case. In my view, a case for bail is made out.

07. Let applicant - **Tilakram** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) framing of charge and (ii) recording of statement under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present as well as permanent address of the accused as well as sureties shall also be duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

08. Any violation of above conditions will be treated as misuse of bail and learned Court below will be at liberty to pass appropriate order.

09. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 20.11.2023

Asha