

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8525 of 2023

Applicant :- Ahmad Khan

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

Counsel for Applicant :- Dinesh Kr. Chaudhary, Sunil Kumar Singh, Vishwa Mohan Tiwari

Counsel for Opposite Party :- G.A., Khushnuma Bano, Mohd. Tabrez Iqbal

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Sunil Kumar Singh, learned counsel for the applicant, Sri Virendra Kumar, 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. 065 of 2023, under Sections- 419, 420, 467, 468, 471, 323, 504, 506 & 120-B I.P.C., registered at Police Station- Harraiya, District- Balrampur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 04.04.2023 against the four named persons, including the applicant, a sub-registrar and an unknown person alleging that co-accused Babadeen in conspiracy with other co-accused persons set up the imposter place of the informant and got a sale deed of informant executed on 29.08.2022.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case.

5. The applicant's involvement in another case having Case Crime No. 66 of 2023, under Sections- 419, 420, 467, 468, 471, 323, 504, 506 & 120-B I.P.C., registered at Police Station- Harraiya, District- Balrampur has been disclosed in paragraph 8 to the affidavit which has been lodged along with the present case.

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 the applicant has got the sale deed in question executed in his favour after payment of entire sale consideration through banking channel and in case the averment made in FIR are correct, the applicant did not get title of the sale deed from which he appears to be the victim of offense committed by some other person; that the co-accused Babadeen, against whom complaint of conspiracy for commission of the offense has been levelled, has already been granted bail whereas the applicant is languishing in jail since 07.05.2023 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- Ahmad Khan** be released on bail in the aforesaid 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.

Order Date :- 11.12.2023
Mohit Singh/-