

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7658 of 2021

Applicant :- Arjun Prasad

Opposite Party :- State of U.P.

Counsel for Applicant :- Niyaj Ahmad, Ram Pheran Dwivedi

Counsel for Opposite Party :- G.A., Manoj Kumari Tiwari, Sumit Kumar Srivastava

Hon'ble Mrs. Jyotsna Sharma, J.

1. Heard Sri Ram Pheran Dwivedi, the learned counsel for the applicant, the learned A.G.A. for the State and Sri Manoj Kumar Tiwari, the learned counsel for the informant.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 15 of 2021, under Sections 419, 420, 467, 468, 471 I.P.C., registered at Police Station Sonwa, District Shravasti.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 24.01.2021 against 13 persons, including the applicant, alleging that the informant's sister in law had executed her last will in favour of the informant and she died on 05.10.2020. Two sale deeds were executed after her death on 09.12.2020 and 26.12.2020 by putting up some imposter in her place. One of the sale deeds has been executed in favour of the applicant.

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. Learned counsel for the applicants has submitted that the applicant is languishing in jail since 27.02.2021 i.e. more than two and half years now.

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

7. I went through the contents of the F.I.R., nature of the allegations, role ascribed to the applicant, the evidence collected against him, period of detention already undergone, absence of previous criminal history and all other attending facts and circumstances of the case. This fact has also been brought to my notice that co-accused Koyle and several others having materially similar role, have been enlarged on bail. In my view a case for bail is made out.

8. Accordingly, this bail application stands allowed.

9. Let the applicant- **Arjun Prasad** be released on bail in Case Crime No. 15 of 2021, under Sections 419, 420, 467, 468, 471 I.P.C., registered at Police Station Sonwa, District Shravasti 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 applicants shall not tamper with the prosecution evidence;

(ii) the applicants shall not pressurize the prosecution witnesses;

(iii) the applicants shall appear on each and every date fixed by the trial court.

Order Date :- 22.11.2023

Sumit Kumar