

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9433 of 2023

Applicant :- Ashish Kumar

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

Counsel for Applicant :- Shishir Pradhan

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Shishir Pradhan, the learned counsel for the applicant, Sri Jayant Singh Tomar, the 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. 127 of 2023, under Sections 420/467/468/471 I.P.C., registered at Police Station Kotwali Nagar, District Raebareli.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 25.02.2023 alleging that the co-accused Ashadin had executed a sale deed in respect of the informant's land by wrongly presenting herself to be the informant and the applicant had witnessed execution of the sale-deed.

4. In the affidavit filed in support of bail application, it has been stated that the applicant has been falsely implicated in the case. Co-accused Asha Devi has been granted bail by means of the order dated 31.10.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.12799 of 2023.

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

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been implicated in the present case merely because he has witnessed execution of the sale-deed and the co-accused who has executed the sale-deed has been granted bail by this court, 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.

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

8. Let the applicant-Ashish Kumar 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.

(Subhash Vidyarthi, J.)

Order Date :- 6.11.2023
prateek