

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10694 of 2023

Applicant :- Dharmendra Singh @ Sonu

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

Counsel for Applicant :- Bhup Chandra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Diwaker Singh, the learned counsel for the applicant as well as Sri Manish Kumar Pandey, the learned A.G.A-I for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 1256 of 2022, under Section 419, 420, 467, 468, 471 I.P.C., registered at Police Station Kotwali Nagar, District Barabanki.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 25.11.2022 against two named persons, not including the applicant and a unnamed woman, alleging that an agreement to sell the informant's land was executed on 23.03.2012 by some imposter. Execution of the agreement was witnessed by the two named accused persons.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in nine other cases has been disclosed in para 9 of the affidavit and his involvement in one more case has been disclosed in para 10 of the rejoinder affidavit. The applicant has been granted bail in 9 cases.
5. The learned counsel for the applicant has submitted that co-accused Kuldeep Yadav and Mukesh Kumar Yadav, have already been granted bail in the present case by means of an order dated 25.09.2023 and 11.10.2023 passed by this Court in Criminal Misc. Bail Applications No.11528 of 2023 and 12129 of 2023, respectively.
6. The learned A.G.A. has opposed the prayer of the 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 even as per the allegations imposed in the F.I.R, merely an agreement to sell the land was executed in the year 2012 and she has not been divested of her title or possession in respect of the property; that the applicant is not named in the F.I.R and two other persons, who were also not named in the F.I.R have already been granted bail in the present case and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

9. Let the applicant- **Dharmendra Singh @ Sonu** 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 the 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 :- 16.10.2023

Preeti.