

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12117 of 2023

Applicant :- Saurabh Kumar Singh @ Saurabh Singh

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Home, Govt. U.P. Lucknow

Counsel for Applicant :- Satendra Kumar (Singh), Nalin Arora

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Satendra Kumar (Singh), learned counsel for the applicant, Sri Gyanendra Singh, 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. 182 of 2023, under Sections 419, 420, 467, 468, 471 IPC, Police Station Mankapur, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 27.03.2023 against four persons, including the applicant, alleging that the informant's husband used to work at Ludhiana and he died at Ludhiana on 04.02.2012. A forged will dated 09.05.2013 of the informant's husband was registered on 09.05.2013. The applicant was Sub Registrar, who has registered the will.

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

5. Prior to lodging the FIR in question, on 13.03.2019, the informant had filed an application under Section 156(3) Cr.P.C. on the same set of allegations and on 27.04.2019 an order was passed for treating the application as a complaint. The informant had filed a Criminal Revision No. 119 of 2019 against the order dated 27.04.2019, which was dismissed by means of an order dated 07.08.2020. Thereafter, the informant has filed the present FIR, regarding which a complaint had already been registered.

6. The applicant's involvement in 32 other cases has been disclosed in para 34 of the affidavit, in 8 of which the Investigating Officer has submitted final report, in 6 cases his

name has been expunged, 4 cases have been wrongly mentioned, in 4 cases the applicant has been granted bail, in 1 case the applicant's arrest has been stayed by this Court and in 7 cases the investigation is still pending.

7. Learned AGA has vehemently opposed the bail application and he has submitted that the applicant has committed gross abuse of the official position as a Sub Registrar and he has a long criminal history of similar nature, therefore, he is entitled to be released on bail.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant had registered the will presented before him in performance of his official duty; that arrest of the co-accused persons Ramchandar and Kishori Lal Maurya has been stayed by means of an order dated 11.04.2023 passed by the Division Bench of this Court in Criminal Misc. Writ Petition No. 2718 of 2023; I am of the view that the applicant is entitled to be released on bail in the present case.

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

10. Let the applicant-***Saurabh Kumar Singh @ Saurabh Singh*** be released on bail in Case Crime No. 182 of 2023, under Sections 419, 420, 467, 468, 471 IPC, Police Station Mankapur, District Gonda 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 :- 11.10.2023

Pradeep/-