

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12465 of 2023

Applicant :- Krishna Gopal

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

Counsel for Applicant :- Saurabh Kumar, Sushil Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Gyanendra Singh, learned counsel for the applicant, Sri Anant Pratap 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. 284 of 2022, under Sections 419, 420, 467, 468, 471 I.P.C., registered at Police Station Amethi, District Amethi.
3. The aforesaid case has been registered on the basis of an application under Section 156(3) Cr.P.C. filed by the applicant's mother-in-law against five persons, including the applicant, her husband, her sons and one Devmati alleging that two sale-deeds have been executed fraudulently in the name of the applicant's wife Sushila and co-accused, Devmati in respect of the complainant's property without her knowledge.
4. In the affidavit filed in support of bail application, it has been stated that the informant has already filed a suit for cancellation of the sale-deed, which is pending since the year 2017. It has been further stated that applicant is innocent, she has been falsely implicated in the present case and she has no criminal history.
5. The learned counsel for the applicant has submitted that co-accused Sushila, has already been granted bail by means of an order dated 11.10.2023 passed by this Court in Criminal Misc. Bail Application No.12147 of 2023.
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 sale-deeds in question were registered on 15.12.2014 and 29.08.2016, regarding which a suit for cancellation was filed on 23.05.2017; that the application under Section 156(3) Cr.P.C. has been filed subsequently without disclosing the fact of filing a suit for cancellation of sale-deed; that applicant's son, Ambuj who has witnessed the execution of the sale deed, has been granted bail by the Sessions Court, Sultanpur by means of the order dated 20.07.2023 and that the applicant's wife Sushila (co-accused) has already been granted bail and that the applicant has no criminal history and he is languishing in jail since 17.08.2023 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- **Krishna Gopal** 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 :- 19.10.2023

Preeti.