

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12723 of 2023

Applicant :- Raj Karan

Opposite Party :- State Of U.P. Thru. Prin. Secy. (Home), Lucknow

Counsel for Applicant :- Brijesh Kumar Verma, Ajeet Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ajeet Kumar, learned counsel for the applicant, Sri Virendra Kumar, 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. 156 of 2023, under Sections 419, 420, 467, 468, 471 I.P.C., registered at Police Station Kotwali Nagar, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 06.03.2022 against five persons, not including the applicant stating that the informant had entered into an agreement to purchase a plot of land from co-accused Nanki Devi on 20.04.2018. On 30.11.2021 Nanki Devi executed a sale deed in favour of the informant, however, prior to execution of the aforesaid sale deed she had executed an agreement to sell dated 26.02.2022 with the co-accused Brijesh Kumar. The applicant is not named in the F.I.R. or even in the statement of the informant recorded under Section 161 Cr.P.C. He has been implicated in the additional statement wherein he stated that the sale deed dated 07.11.2020 had been executed by the applicant projecting himself be the property's owner Ram Sufal.

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. The learned counsel for the applicant has submitted that on 02.03.2021, Shivraj, the person in whose favour sale deed dated 07.11.2021 had been executed, executed another sale deed returning title of the property to the seller true owner of the property, Nanki Devi, sister of Ram Sufal. On 12.07.2021 Nanki Devi executed another sale deed in respect of the same land in favour of Shivraj Verma and she executed another sale deed of the same land in favour of the informant on 30.11.2021. The applicant was not associated in any manner in the execution of the sale deeds dated 12.07.2021 or 30.11.2021.

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 the applicant was not associated with the execution of the sale deeds dated 12.07.2021 or 30.11.2021; that the applicant has no previous criminal history and he is languishing in jail since 07.07.2023 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-Raj Karan** 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 :- 30.10.2023
Ram.