

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2437 of 2023

Applicant :- Santosh Kumar

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

Counsel for Applicant :- Vijay Pratap Singh, Karunesh Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Vijay Pratap Singh, the learned counsel for the applicant, Sri Anant Pratap Singh, the learned AGA for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on anticipatory bail in Case Crime No. 398 of 2022, under Sections 419, 420, 467, 468, 471, 504, 506 IPC, Police Station Katra Bazaar, District Gonda.

3. The aforesaid case has been registered on the basis of an FIR lodged on 01.10.2022 against 4 persons, including the applicant, alleging that the co-accused Imtiyaz Khan got a sale deed of the informant's land executed in his favour by putting up an imposter. The applicant was a witness of the execution of the deed. Prior to lodging of the FIR, the informant and co-accused Imtiyaz Khan has entered into a settlement that was filed before the Naib Tehsildar in proceedings under Section 34 of the U.P. Revenue Code, 2006 wherein it was agreed that the sale deed dated 14.05.2022 executed in favour of co-accused Imtiyaz be treated as null and void and mutation order dated 18.07.2022 passed in his favour be cancelled. In furtherance of the aforesaid settlement, Naib Tehsildar has passed an order on 22.09.2022, cancelling the mutation order dated 18.07.2022.

4. In the affidavit filed in support of the application, it has been state that the applicant is innocent, he has not received any benefit out of the alleged sale consideration and he has no criminal history. It has also been submitted that the co-accused Pintu has already been granted bail by this court by means of an order dated 20.09.2023, passed in Criminal Misc. Bail Application No.11293 of 2023.

5. Having considered the aforesaid facts and circumstances of the case, I am of the view that the applicant is also entitled to be

released on anticipatory bail in the present case.

6. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Santosh Kumar** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

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(Subhash Vidyarthi, J.)

Order Date :- 1.11.2023

Ram.