

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13036 of 2023

Applicant :- Ganesh Gupta And Another

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

Counsel for Applicant :- Ajeet Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri D.P. Singh Somvanshi, the learned counsel for the applicants, Sri J.S. Tomar, the learned A.G.A.-I for the State and perused the records.
2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 0160 of 2023, under Sections 419, 420, 467, 468, 471, 120-B I.P.C., registered at Police Station Kursi, District Barabanki.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 26.06.2023 against three persons, not including the applicants, alleging that the accused persons had sold their entire land to the informant through two sale deeds dated 02.09.2018 and 16.06.2015, but thereafter they executed another sale deed in respect of the same land in favour of co-accused Puneet Gautam. Applicants have been implicated because they had witnessed execution of the sale-deed.
4. In the affidavit filed in support of bail application it has been stated that the applicants are innocent, they have been falsely implicated in the present case and they have no criminal history. Co-accused Puneet Gautam has already been granted bail by this Court by means of the order dated 31.10.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.12786 of 2023.
5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
6. Having considered the aforesaid facts and circumstances of the case, and keeping in view the fact that the applicants had merely witnessed execution of the sale-deed and the beneficiary of the sale deed has already been granted bail; the applicants have no criminal history, they have been languishing in jail since 17.09.2023 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.

7. Accordingly, this bail application stands allowed.

8. Let the applicants-Ganesh Gupta and Arvind Gupta 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 applicants shall not tamper with the prosecution evidence;
- (ii) the applicants shall not pressurize the prosecution witnesses;
- (iii) the applicants shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 3.11.2023
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