

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12732 of 2023

Applicant :- Chirag Ali

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

Counsel for Applicant :- Arpit Shukla, Meenakshi Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Shi Arpit Shukla, learned counsel for the applicant and Shri Amitab Chaturvedi, learned AGA.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.279 of 2022, under Sections 419, 420, 467, 468, 471 and 504 IPC, registered at Police Station - Jalalpur, District - Ambedkar Nagar.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 26.09.2022 alleging that the applicant is son of elder brother of the informant's father and he wrongly got the informant's father's property is mutated in his favour..
4. The FIR does not disclose the date of mutation order and in the affidavit filed in support of the application, it has been stated that the mutation was ordered on 25.12.2002 and the FIR has been lodged 20 years after the mutation order.
5. 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.
6. The applicant's father had died and thereafter his uncle (informant;s father) had adopted him and and the married the applicant's mother and, therefore, the applicant's name was mutated on the basis of inheritance by means of order dated 25.12.2002. It has further been stated that the informant has already initiated proceedings challenging the mutation order passed in favour of the applicant.
7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is

linguishing in jail since 22.08.2023 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.

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

10. Let the applicant- **Chirag Ali** be released on bail in Case Crime No.279 of 2022, under Sections 419, 420, 467, 468, 471 and 504 IPC, registered at Police Station - Jalalpur, District - Ambedkar Nagar, 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 :- 31.10.2023

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