

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12788 of 2023

Applicant :- Mr. Dhoom Singh

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

Counsel for Applicant :- Azmi Yousuf

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Ms. Azmi Yousuf, the learned counsel for the applicant, Sri Manish Kumar Pandey, the 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.466 of 2022, under Sections 419/420/467/468/120-B/34 I.P.C., registered at Police Station Mitauli, District Kheri.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 10.12.2022 against two persons, not including the applicant, alleging that the named accused Pradeep Kumar Awasthi has got a sale deed in respect of the informant's land executed by setting up some imposter. The purchaser Pradeep Kumar Awasthi has stated that he had not got the sale deed executed in his favour and other named co-accused Pradeep Kumar Shukla had used the said co-accused person for committing fraud for his own benefit. During investigation, the applicant was implicated as he was the person who had presented himself in place of seller.
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 other co-seller Om Prakash Gupta has already been granted bail by this court by means of an order dated 27.07.2023, passed in Criminal Misc. Bail Application No.3841 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 the owner of the land has not filed the F.I.R. or any other complaint and it appears that he is enjoying the ownership of the property; that no benefit is said to have been derived by the applicant out of the transaction coupled with the fact that the applicant has no previous criminal history and he is languishing in jail since 17.12.2022 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-Mr. Dhoom Singh** 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.

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(Subhash Vidyarthi, J.)

Order Date :- 31.10.2023

Ram.