

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12880 of 2023

Applicant :- Jagat Pal

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

Counsel for Applicant :- Amit Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Praveen Kumar Pandey holding brief of Sri Amit Kumar, the learned counsel for the applicant, Sri Amitabh Chaturvedi, the learned A.G.A. for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 1018 of 2022, under Sections 420, 467, 468, 471, 504 I.P.C., registered at Police Station Kotwali, District Unnao.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 18.12.2022 against four persons, including the applicant, in furtherance of the application of the informant under Section 156(3) Cr.P.C. filed in the court of Chief Judicial Magistrate Unnao alleging that the name of the informant was recorded as joint owner of the property in question by means of an order dated 11.10.2006 passed by the Revenue Inspector. Informant had filed a suit under Section 229 (B) and thereafter his name was recorded in the revenue records. The order passed in the suit under Section 229 (B) was challenged, but the Sub Divisional Magistrate had passed an order for recording the names of other persons in the revenue record. In an appeal before the Commissioner Lucknow Division operation of the order of the Sub Divisional Magistrate was stayed but concealing the fact, on the basis of forged documents Brahmadeen, Rama Shankar, Kishan Pal and the applicant have executed the sale deed in favour of Kalawati on 11.07.2007. It was also alleged that Lallu Lal and other witness Uma Shankar, who were marginal witnesses having knowledge that seller was no more owner of the property, helped in fabricating the documents.

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. She is languishing in jail since 22.07.2023.

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 dispute regarding the property is pending before the revenue court; that no suit for cancellation of sale deed has been filed; that the applicant has no criminal history, whereas three co-accused persons have been granted bail and the applicant is in jail since 22.09.2023, 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 **applicant-Jagat Pal** be released on bail in Case Crime No. No. 1018 of 2022, under Sections 420, 467, 468, 471, 504 I.P.C., registered at Police Station Kotwali, District Unnao, 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 :- 1.11.2023

Ram.