

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13777 of 2023

Applicant :- Ganga Ram

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

Counsel for Applicant :- Ashish Raman Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ashish Raman Mishra, learned counsel for the applicant, Sri Anant Pratap Singh, 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. 06 of 2020, under Sections 419, 420, 467, 468, 471, 323, 504, 506, 427 I.P.C., registered at Police Station Katra Bazar, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.01.2020 against four persons, including the applicant, stating that the applicant had fraudulently executed a sale deed in respect of informant's land on 15.11.2019. She came to know about the execution of the sale deed when the accused persons were trying to take possession of the land on 20.12.2019.

4. In the affidavit filed in support of bail application, it has been stated that the applicant is 70 years old innocent person, he has been falsely implicated in the present case and he has no previous criminal history. After involvement of the applicant in the present case he has been implicated in another case under U.P. Gangsters and Anti Social Activities (Prevention) Act.

It has further been stated in the affidavit that a Civil Suit No.239 of 2022 was going on between the parties in the Court of Civil Judge, Senior Division, Gonda regarding the land in dispute. Aforesaid suit has been decreed on the basis of compromise on 11.02.2023, under

which sale-deed in question dated 15.11.2019 stands cancelled.

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 sale-deed in question already stands completed on the basis of compromise passed by a competent civil court; that the other co-accused person has already been granted bail; that the applicant has no previous criminal history and he is languishing in jail since 20.03.2023 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 **applicant**-Ganga Ram be released on bail in aforementioned 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.

(Subhash Vidyarthi, J.)

Order Date :- 7.12.2023
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