

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14534 of 2023

Applicant :- Suraj Kumar

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

Counsel for Applicant :- Rajiv Kumar Bajpai, Ram Achal Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Rajiv Kumar Bajpai, learned counsel for the applicant, and Sri Arpit Kumar, learned Addl. Government Advocate, and perused the record.
2. By means of the instant application the applicant Suraj Kumar seeks bail in Case Crime No. 0350 of 2023, under sections 406,419,420,467,468,471,120-B I.P.C., P.S. Satrikh, District Barabanki.
3. The aforesaid case has been registered on the basis of an First Information Report (F.I.R.) lodged on 4.9.2023 against three named persons, not including the applicant, and some unknown persons, alleging that the informant had purchased some property through a sale-deed dated 1.9.2023 for a sale-consideration of Rs. 16 lacs from one Ankit S/o Vikram Prasad, but later on it transpired that the sale-deed has been executed by some imposter.
4. The Police claim to have arrested 3 named accused persons and the applicant on 11.9.2023 and it is claimed that in his custodial statement the co-accused Dharmendra Kumar stated that he had executed a sale-deed at the behest of the applicant and the co-accused Munna Lal. Rs. 74 thousand are said to have been recovered from the applicant, however, the alleged recovery has not been witnessed by any independent person.
5. In the affidavit filed in support of the 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. He is neither the executant nor a witness of execution of the sale-deed and he has been implicated solely on the basis of custodial statement of the co-accused persons, who stated that he had committed the offence on the instructions of the applicant. Except the aforesaid custodial statement, there is no other material to connect the applicant in the present case.
6. 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 facts that the applicant is not named in the F.I.R. He is neither the executant nor a witness of execution of the sale-deed and he has been implicated solely on the basis of custodial statement of the co-accused person, and except the aforesaid custodial statement, there is no other material to connect the applicant in the present case, without making any observation, which may affect the merits of the case, I am of the view that the applicant is entitled to be released on bail.

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

9. Let the applicant **Suraj Kumar** be released on bail in the aforesaid Case Crime No. 0350 of 2023, under sections 406,419,420,467,468,471,120-B I.P.C., P.S. Satrikh, District Barabanki, be released on bail on his 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.

10. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(**Subhash Vidyarthi, J.**)

Order Date :- 11.12.2023

A.Nigam