

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13856 of 2023

Applicant :- Ram Khelawan

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

Counsel for Applicant :- Uttam Kumar Awasthi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Uttam Kumar Awasthi, the learned counsel for the applicant, Sri Rakesh Kumar Singh, the learned AGA for the State and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 248 of 2023, under Sections 419, 420, 467, 468, 471 IPC, Police Station Sandila, District Hardoi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 14.06.2023 against three persons, including the applicant, the concerned Lekhpal and Revenue Inspector, alleging that one Dharmendra was the bhumidhar of a certain piece of land and after his death, the applicant got his name mutated falsely claiming himself to be brother of the deceased whereas the deceased had no brother. The applicant executed a sale deed of the land in favour of the informant on 23.02.2015 but he did not hand over possession of the land to the informant.

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 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 from the averments made in the FIR, prima facie it appears that the applicant's name had been entered in the revenue record as bhumidhar of the land in question and the mutation order has not been challenged; that the sale deed in question was executed on 23.02.2015; the sale deed mention that possession of the land had been handed over to the purchaser; that the FIR lodged on 14.06.2023 i.e after

more than 8 years since execution of the sale deed, alleges non delivery of the possession of the land and that the applicant has no criminal history and he is languishing in jail since 05.08.2023 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 case.

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

8. Let the applicant-***Ram Khelawan*** 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.

Order Date :- 28.11.2023

Pradeep/-