

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13964 of 2023

Applicant :- Dwarika Prasad

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

Counsel for Applicant :- Utkarsh Misra, Abhishek

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur), J.

Heard learned Counsel for the applicant, learned A.G.A. and perused the record.

The accused- applicant is involved in Case Crime No. 587 of 2022, under Sections 419, 420, 467, 468, 471 I.P.C. Police Station Mankapur, District- Gonda.

It is argued by the learned counsel for the applicant that there is dispute regarding the registered will dated 16.6.1989 which has been verified from the office of Sub Registrar, Gonda. This will has not been challenged in any civil court. It is a civil dispute which is being given a shape of criminal case. The applicant had approached this court for quashing the FIR also and secured the interim protection from this court. Hence, the prayer is made accordingly.

Learned A.G.A. opposed the prayer for bail of the applicant and submitted that in the report of Sub Registrar, Gonda this will is found to be forged.

From the perusal of the record, it is found that regarding alleged will dated 16.6.1989 a report of Sub Registrar, Gonda is on record that this will has not been marked in Bahi No. 3 which is earmarked for registering the wills, while it has been marked in Bahi no. 1, hence, no information could be given from the office of Sub Registrar. Admittedly, no suit is pending for cancellation of this will. This will has not been declared forged from any of the civil court till date.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a case of bail.

The bail application is allowed.

Let the applicant Dwarika Prasad who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 30.11.2023

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