

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14059 of 2023

Applicant :- Rakesh (In Charge Sheet Rakesh Yadav)

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

Counsel for Applicant :- Tej Singh, Praveen Yadav, Shyamendra Singh

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.347 of 2023, under Sections 419, 420, 467, 468, 471 I.P.C., Police Station Maholi, District- Sitapur.

It is argued by the learned counsel for the applicant that the wife of the applicant has purchased the property from Ram Pyari who is the second wife of Koshori. The name of Ram Pyari was mutated in revenue record. His wife is a bonafide purchaser of the land in dispute. There is no allegation of preparing any forged document or cheating against the applicant. There is no independent witness of the alleged incident. Previously they had entered into a compromise with the first informant on 15.2.2022. This compromise has been appended at page 35 of the paper book but later on this compromise was not honoured by the first informant. The applicant is languishing in jail since 7.9.2023. The FIR was lodged with delay of 8 years, hence, the prayer for bail is made accordingly.

Learned A.G.A. opposed the prayer for bail of the applicant and submitted that after the investigation chargesheet has been filed against the applicant. He has prepared forged documents.

From the perusal of the FIR, it is found that as per allegation one Ram Pyari fraudulently got her name mutated on the property of Kishori. There is nothing on record that mutation in the name of Ram Pyari has been challenged by the first informant. The present applicant is said to be husband of Ramrani in whose favour the sale deed is said to have been executed. It is also alleged that the present applicant is the marginal witness of the said sale deed and also the person with

whom connivance the name of Ram Pyari was mutated in revenue record. It is a property dispute wherein proper remedy lies with court concerned. The present applicant claims himself to be the husband of the bonafide purchaser of the land. Admittedly, the property in dispute was mutated in the name of Ram Pyari from whom the sale deed is executed in the name of Ramrani, the wife of the present applicant. The applicant is languishing in jail since 7.9.2023.

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 Rakesh (In Charge Sheet Rakesh Yadav) 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 :- 29.11.2023

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