

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14088 of 2023

Applicant :- Mukesh Kumar @ Dhunnar

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

Counsel for Applicant :- Alok Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Alok Srivastava, the learned counsel for the applicant as well as Sri Vinay Kumar Shahi, the learned A.G.A.-I for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 835 of 2022, under Section 419, 420, 467, 468, 471, 504, 506, 120-B I.P.C., registered at Police Station Kotwali, District Unnao.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 12.10.2022 against four persons, including the applicant, stating that the co-accused Ashok Nishad was known to the informant's since before and he had introduced him to another co-accused person Manoj Shukla, who had persuaded the informant to purchase the land of one Deshraj. Ashok Nishad and Manoj Shukla had offered to sell the land for Rs. 8 lakhs. They did not introduced the informant to Deshraj and got a sale deed of the land executed on 13.01.2021. Subsequently, the informant came to know that the applicant had executed the sale deed as an imposter in place of the real owner.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is an illiterate person having no criminal history and he has been falsely implicated in the present case.
5. The learned counsel for the applicant has submitted that the applicant was taken by co-accused Manoj Shukla to the registrar office in the name of witnessing execution of the deed and by misleading him, Manoj Shukla got the execution of the sale deed.
6. The learned counsel for the applicant has further submitted that co-accused

Manoj Shukla, has been granted anticipatory bail by means of an order dated 03.05.2023 passed by the Session Judge. Both the other co-accused persons Ashok Nishad and Rajan Pandey have already been granted bail by this Court and copies of their bail orders have been annexed as Annexure No.4 to the affidavit.

7. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the informant has stated that he had paid money to two co-accused persons, Ashok Kumar Nishad and Manoj Shukla and those persons have already been granted bail; no money is said to have been received by the applicant and that the applicant is an illiterate person having no criminal history and he is languishing in jail since 24.08.2023 whereas all the other co-accused persons have already been granted bail and anticipatory bail and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

10. Let the **applicant- Mukesh Kumar @ Dhunnar** 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 the 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 :- 2.12.2023/Preeti.