

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14473 of 2023

Applicant :- Wasiullah

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

Counsel for Applicant :- Pooshan Upadhyay, Himanshu Kamboj

Counsel for Opposite Party :- G.A.

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

Supplementary affidavit filed on behalf of the applicant is taken on record.

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

The accused- applicant is involved in Case Crime No. 07 of 2022, under Sections 420, 467, 468, 471 I.P.C., Police Station Sarojini Nagar, District- Lucknow.

It is argued by the learned counsel for the applicant that the allegation against the applicant is that he executed a forged agreement to sale by impersonating himself as first informant in the year 2015 and the first informant lodged an FIR case crime no. 7/22 on 4.1.2022. Another FIR as case crime no. 8 of 2022 was also lodged against the applicant with the same allegations that by impersonating the first informant a forged sale deed regarding the same property was executed and in this sale deed the present applicant is shown as a witness. In the case crime no. 08 of 2022, the applicant has been bailed out. Regarding these 2 documents, no civil suit is pending between the parties. Previously also a case crime no. 572 of 2016 regarding the same property was lodged by one Azaz Ahmad with the same allegation. The applicant has been falsely implicated in the present case. The applicant is languishing in jail since 23.3.2022, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail of the applicant and submitted that the applicant is a bhumafia having criminal history of two more cases.

From the perusal of the record, it is found that there is allegation against the applicant of executing a forged agreement

to sale/ sale deed by impersonating the first informant. No civil case is pending between the parties. The criminal history of the applicant has been explained by the learned counsel for the applicant as above. The applicant is languishing in jail since 23.3.2022.

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 Wasiullah 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 the 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 :- 8.12.2023

Gss