

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14380 of 2023

Applicant :- Ram Lal @ Ram Kumar

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

Counsel for Applicant :- Amit Kumar Singh, Vivek Tripathi

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.

This application has been moved by the applicant - Ram Lal @ Ram Kumar to enlarge him on bail in Case Crime No. 421 of 2022 under Sections 419, 420, 467, 468, 471, 504 and 120B IPC, Police Station Kakori, District Lucknow.

It is argued by the learned counsel for the applicant that there is allegation that the applicant executed a gift deed in favour of Vidyawati and Soni of the land which belonged to the father of the first informant. A civil suit is pending regarding cancellation of this gift deed. After filing the civil suit on 02.07.2022, after eight months, the FIR has been lodged by way of moving an application under Section 156 (3) Cr.P.C. The applicant is languishing in jail since 28.07.2023, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail and submitted that as the name of the father of the first informant was similar i.e. Ram Lal, taking the benefit of similar name a forged will deed is said to have been executed by the applicant in favour of the co-accused persons. The applicant is in possession of the land in dispute. The only fault of the first informant was that he never got mutated his name in the revenue records after the death of his father.

From perusal of the record, it is found that a civil suit is pending regarding cancellation of gift deed, which is said to be executed by the present applicant in favour of co-accused Vidyawati and Soni. It is claimed by the first informant that ownership of the property belong to his father, who died on 01.01.1985. Due to bonafide mistake he could not get his name mutated in the revenue records on the land in dispute after the death of his father. Thus, the name of the first informant was

not mutated after the death of his father on the land subject matter of the gift deed. Co-accused Vidyawati and Soni have been granted bail. The applicant is languishing in jail since 28.07.2023.

Considering the facts and circumstances of the case, perusing the record, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merits of the case, I find it to be a fit case for granting bail to the applicant.

The bail application is allowed.

Let the applicant **Ram Lal alias Ram Kumar** involved in the aforesaid case be released on bail on furnishing personal bonds and two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the date 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 court below 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 :- 7.12.2023

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