

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14485 of 2023

Applicant :- Satish Kumar Sharma @ Raju

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

Counsel for Applicant :- Upendra Prakash Pathak

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.927 of 2022, under Sections 419, 420, 467, 468, 120-B, 471 I.P.C., Police Station Kotwali Nagar, District- Barabanki.

It is argued by the learned counsel for the applicant that the applicant is not named in the FIR. As per the FIR the alleged sale deed regarding the property of the first informant was executed in the name of named accused Soni Kumari and the rest two named accused persons Aftab Alam and Madan Nag are said to be the witnesses of the alleged sale deed. In the FIR, it has been mentioned that some one impersonating the first informant executed a sale deed in favour of Soni Kumari and later on this imposter came into light as Amresh Kumar. On the basis of the confessional statements of Amresh Kumar, Dharmendra Singh and Mukesh Kumar, the present applicant has been falsely implicated in the present case showing him as a gang leader of the gang indulging in executing forged sale deeds. Co- accused Mukesh Kumar, Dharmendra Kumar and Kuldeep Yadav have been granted bail by the coordinate benches of this court. The applicant is languishing in jail since 20.8.2023, 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 gang leader who by impersonating the real owners used to execute the forged 'sale deeds' and 'agreements to sale'.

From the perusal of the record, it is found that the applicant is shown to be a leader of a gang which is indulged in executing forged sale deeds. The only evidence against the applicant is the statements of co accused persons. The applicant is neither a person who impersonated himself as the first informant nor he is

the person in whose favour the alleged sale deed has been executed. No civil suit is pending between the parties regarding the sale deed in question. The co-accused persons having specific role in executing the aforesaid sale deed have been granted bail by the coordinate benches of this court.

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 Satish Kumar Sharma @ Raju 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

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