

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14533 of 2023

Applicant :- Nankey

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

Counsel for Applicant :- Neeraj Tewari, Tauqueer Alam

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Neeraj Tiwari, learned counsel for the applicant, Sri Manish Kumar Pandey, learned A.G.A.-I for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 267 of 2023, under Sections 419, 420, 467, 468 & 471 I.P.C., registered at Police Station- Kotwali Nagar, District - Balrampur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 04.08.2023 against three persons, including, the applicant, stating that the applicant had purchased the informant's land through a sale deed which has been executed by some imposter. The sale deed mentions payment of sale consideration through banking channel. The applicant has filed an application under Section 156(3) Cr.P.C. alleging that he has been duped by execution of sale deed by some imposter. It is further mentioned in the application that after coming to know about commission of offence, he made the true owner of the property and got filed cancellation of sale deed filed in the competent Court.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.

5. The learned A.G.A. has opposed the prayer for bail but he

could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has no previous criminal history and he is languishing in jail since 02.09.2023 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

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

8. Let the **applicant- Nankey** 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 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.

Order Date :- 11.12.2023

Mohit Singh/-