

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14568 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.

This application has been moved by the applicant - Satish Kumar Sharma alias Raju to enlarge him on bail in Case Crime No. 931 of 2022 under Sections 419, 420, 467, 468, 471, 120B IPC Police Station Kotwali Nagar, District Barabanki.

It is argued by the learned counsel for the applicant that there is allegation of executing forged sale deed in favour of the named accused Soni Kumari. The applicant is neither executant nor the beneficiary nor he is witness in the sale deed. As per statement of Soni Kumari in whose favour the sale deed is said to be executed, he was the person who was introduced to Soni Kumari by one Nuruddin. There is criminal history of ten cases to his credit. The applicant is languishing in jail since 20.08.2023, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail and submitted that there is criminal history of 17 cases to the credit of the present applicant. He is a member of the gang of bhumifias, who use to sell the lands of the persons by impersonating the real owner. The applicant is said to have distributed the amount of sale deed among the members of the gang.

From perusal of the record, it is found that the applicant is not named in the FIR. Admittedly, he is neither the executant nor the beneficiary nor the witness in the sale deed. The role assigned to the present applicant is that he is the person who lured Soni Kumari to purchase the land. There is nothing on record to show that any amount was paid to him or deposited in his account. There is nothing on record to show that the applicant was in any way beneficiary in the transaction by receiving any amount. The applicant is languishing in jail since 20.08.2023.

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 **Satish Kumar Sharma alias Raju** 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 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 :- 11.12.2023

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