

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14640 of 2023

Applicant :- Vinod

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

Counsel for Applicant :- Rajeev Kumar Mishra Rudra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Alok Kr. Misra, the learned counsel for the applicant as well as Sri Vinay Kumar Shahi, the learned Additional Advocate General-I, appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking bail in F.I.R. bearing Case Crime No. 252 of 2022, under Sections 419, 420, 467, 468, 471 & 120-B of IPC, Police Station Kotwali Nagar, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 22.04.2022 against four persons, not including the applicant, alleging fraudulent execution of an agreement to sell, execution whereof was witnessed by the applicant also. The applicant has been implicated subsequently on the basis of statement of a co-accused Ram Singar, who was also not named in the F.I.R. and who had executed the sale deed in question. He stated that he had executed the deed upon the suggestion made by the applicant.

4. In the affidavit filed in support of the application it has been stated that the agreement in question already stands cancelled by means of a cancellation deed, which has been duly registered on 19.09.2020 i.e. much before lodging of the present FIR.

5. In the affidavit filed in support of the application for bail it has been stated that the applicant is innocent and he has falsely been implicated in the present case. The applicant's involvement in four cases has been disclosed in the affidavit and the learned counsel for the applicant states that he has been granted bail in all those cases. Two co-accused persons Ratnesh Kumar Dwivedi and Harishchandra Tiwari who had witnessed the execution of the sale deed have already been granted bail by this court.

6. The learned A.G.A has opposed the prayer for bail and she has submitted that the applicant's involvement in commission of offence is apparent from the statement made by co-accused Ram Singar.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been implicated in the present case on the basis of custodial statement of co-accused person only, who stated that he has committed the offence on the suggestion of the applicant; that the agreement in question already stands cancelled much before lodging of the F.I.R. and two co-accused persons who had witnessed the execution of the sale deed have already been granted bail by this court and that the applicant is languishing in jail since 21.08.2023 and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting bail to the applicant.

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

9. Let the **applicant-Vinod** 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 the 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.

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(Subhash Vidyarthi, J.)

Order Date :- 13.12.2023

Ram.