

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14916 of 2023

Applicant :- Chandrapal

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

Counsel for Applicant :- Rajeev Kumar Mishra Rudra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rajeev Kumar Mishra Rudra, learned counsel for the applicant, Sri Anant Pratap Singh, learned A.G.A. 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.240 of 2016, under Sections 419, 420, 467, 468, 471, 120B I.P.C., registered at Police Station Kotwali Nagar, District Gonda.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 22.03.2016 against 2 persons, not including the applicant, stating that name of one Rajkumari was entered in the revenue record in respect of the informant land on the basis of sale deed dated 15.07.1969, which was fake. The applicant has been implicated in the present case as he was one of the witnesses of execution of the will by named accused Rajkumari.
4. In the affidavit filed in support of bail application it has been stated that the applicant is 70 years old innocent person, 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 is not named in the FIR; that the applicant is not connected with execution of the alleged fake sale deed of the year 1969; that the applicant has been implicated merely because he has witnessed execution of the sale deed 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**-Chandrapal be released on bail in aforementioned 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.

(Subhash Vidyarthi, J.)

Order Date :- 20.12.2023
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