

Court No. - 31

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4318 of 2024

Applicant :- Jamuna Prasad

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

Counsel for Applicant :- Irfan Alam

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

1. Heard learned counsel for the applicant and learned A.G.A. through video conferencing from Allahabad.
2. This is the 1st bail application moved on behalf of applicant- Jamuna Prasad with a prayer to enlarge him on bail in Case Crime No.267 of 2023, under Sections 419, 420, 467, 468 & 471 I.P.C., Police Station Kotwali Nagar, District Balrampur.
3. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. It is further submitted that as per F.I.R., the role assigned to him is of witnessing a sale deed in favour of Nankey. While, one Janardan is said to have impersonated Kandhai Lal- the first informant and sell his property to Nankey. Jamuna Prasad and Ayub Khan are said to have witnessed this sale deed. Co-accused, namely, Nankey has been granted bail by the co-ordinate Bench of this Court vide order dated 11.12.2023 and the arrest of co-accused Ayub Khan has been stayed by the co-ordinate Bench of this Court vide order dated 24.08.2023. Both the orders are appended with the paper book. Applicant is languishing in jail since 23.08.2023. In case applicant is granted bail, he will not misuse the liberty of bail and will co-operate in early hearing of the trial pending before the court concerned, hence, the prayer is made accordingly.

4. Learned A.G.A., however, opposed the prayer of bail and submitted that the present applicant is said to have approached the deed writer and got prepared the sale deed. He has witnessed the forged sale deed, which is said to be executed by impersonating Kanhai Lal by one Janardan in favour of Nankey.

5. From the perusal of the record, it is found that the role assigned to the present applicant is of witnessing the forged sale deed, which is said to be executed in favour of Nankey by one Janardan impersonating Kandhai Lal the real owner of the property. Co-accused Ayub Khan is also said to have witnessed this sale deed. Co-accused Nankey has been granted bail by the co-ordinate Bench of this Court vide order dated 11.12.2023 and co-accused Ayub Khan got his arrest stayed by the co-ordinate Bench of this Court vide order dated 24.08.2023. Both these orders are appended with the paper book. Applicant is languishing in jail since 23.08.2023.

6. 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 fit case for bail.

7. The bail application is **allowed**.

8. Let the **applicant-Jamuna Prasad**, who is involved in aforesaid crime be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions:-

i. The applicant will attend and co-operate in the trial pending before the court concerned on the dates fixed after release.

ii. The applicant will not tamper with the witnesses.

iii. The applicant will not indulge himself in any illegal activities during the bail period.

9. 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.

10. 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.

11. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Order Date :- 26.4.2024

Anurag/-