

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10973 of 2024

Applicant :- Santoshi @ Santokhi

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

Counsel for Applicant :- Vijay Nath Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the applicant, learned AGA for the State and perused the record.

In the prosecution case, it is alleged that Brajesh Kumar Awasthi, Advocate of Gonda Civil Court son of Muralidhar Awasthi, who has a long criminal history, under the garb of his profession and in collusion with certain employees of Sub Registrar Office, Gonda prepares forged sale deeds/will deeds and with the active connivance of the employees of office of Registrar used to get mutated the properties of innocent civilians in the name of his gang members.

Learned counsel for the applicant submits that the applicant is 84 years old ailing person. Role assigned to the applicant is similar to that of co-accused Karishma who has been granted bail by this Court vide order dated 03.10.2024 passed in CRIMINAL MISC. BAIL APPLICATION No. - 10651 of 2024. The applicant is not the beneficiary. Apart from this case, the applicant has been falsely implicated in 10 other cases which have been explained by her in para 14 of the bail application. The applicant is languishing in jail since 09.12.2023. Learned counsel for the applicant seeks parity with the order of co-accused Karishma.

It is further submitted that charges have not been framed yet. There is no possibility of the applicant of fleeing away after being released from jail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicant.

On due consideration to the order of co-accused Karishma as well as age of the applicant and considering the fact that the

offences are triable by magistrate and the period of incarceration gone into by the applicant and without expressing any opinion on the merits of the case, I find it to be a fit case for enlarging the applicant on bail on the ground of parity.

Accordingly, the bail application is allowed.

Let the applicant **Santoshi @ Santokhi**, involved in Case Crime No. 10/2023, under Sections 419/420/467/468/471/120-B/204/387 IPC and Section 7A of P.C. Act, Police Station - SIT, District - Lucknow be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not pressurize/ intimidate the prosecution witness.

(iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(vi) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

Order Date :- 18.12.2024

R.C.