
(2009) 08 AHC CK 0151

In the Allahabad High Court

Case No : Criminal Miscellaneous Case No. 5126 (B) of 2009

Holi

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 12-08-2009

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 420, 467, 471

Citation : (2009) 08 AHC CK 0151

Hon'ble Judges : Alok Kumar Singh, J

Final Decision : Allowed

Judgement

Alok Kumar Singh, J.—Heard the learned Counsel for the applicant, learned A.G.A. and perused record.

2. The applicant is involved in Case Crime No.141 of 2009, under sections 420, 467, 468 and 471 I.P.C., Police Station Wazirganj, District Lucknow.

As against the genuineness of the prosecution case and proposed evidence it is submitted that the offences are triable by Magistrate. Besides the applicant is 60 years old person who has sold his share of land bona fide for valid consideration. It is submitted that the initially he had 1/6th share in the property and after the death of his brother he got his share also in view of the law prevailing at that time and therefore he sold both shares in the aforesaid manner. It is also submitted that otherwise also the matter is of civil nature. But no suit of cancellation has been filed till date which is an effective relief in such matters. The complainant happens to be her niece who has probably no knowledge about all these things and that is why she got this case registered on the basis of an application under section 156 (3) Cr.P.C. which was prepared after due consultation and legal advice. He is said to be in jail from 19.6.2009. Concededly there is no criminal history against him.

3. The bail is however, opposed by learned A.G.A.

4. Without entering into the merits of the case, in view of the facts and circumstances of the case and having regard to the discussion made hereinabove and considering the fact that the offences are not of very grave nature and are triable by Magistrate and the applicant is aged about 60 years, I find it to be a fit case for granting bail.

5. Let the applicant (Holi) be enlarged on bail on his furnishing a personal bond and two sureties in the like amount to the satisfaction of the Magistrate/Court concerned.