



**IN THE COURT OF THE SESSIONS JUDGE, AMBEDKAR NAGAR**

**Bail Application No.:** 816/2026

**CNR No.:** UPAN010048002026

**In the Matter of:**

**Kamlesh Kumar**, Aged about 62 years, Son of Sammar Singh, Resident of Village Kudhi, Police Station Khairgarh, District Firozabad.

*... Applicant / Accused*

**Versus**

**State of Uttar Pradesh**

*... Prosecution / Opposite Party*

**Order Date:** June 11, 2026

**Case Crime No.:** 933/2025

**Under Sections:** Sections 319(2) (Cheating by personation), 318(4) (Cheating and dishonestly inducing delivery of property), 338 (Forgery of valuable security), 336(3) (Forgery), and 340(2) (Using as genuine a forged document or electronic record) of the Bharatiya Nyaya Sanhita (BNS), 2023.

**Police Station:** Kotwali Akbarpur, District Ambedkar Nagar

This is the first regular bail application moved on behalf of the applicant/accused, Kamlesh Kumar, under **Section 439 of the Code of Criminal Procedure, 1973** (corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023), seeking regular bail in connection with Case Crime No. 933/2025. The application is supported by an affidavit executed by the applicant's *paikar*, Jitendra Singh.

**Points for Determination**

The following critical points arise for determination in this bail application:

1. Whether a *prima facie* case of deep-rooted criminal conspiracy, forgery, and cheating by personation is established against the applicant for impersonating a deceased landowner to execute a fraudulent sale deed.

2. Whether the lack of direct naming in the primary First Information Report (FIR) shields the applicant from custodial detention, given that substantial photographic and fingerprint evidence emerged during the investigation.
3. Whether the gravity of an organised real estate fraud involving ₹62 Lakhs and the creation of fake identity profiles and bank accounts outweighs the applicant's plea of regular bail.

## Findings

### 1. Factual Matrix of the Prosecution Case

The prosecution's case was initiated upon a written complaint submitted by the informant, Anil Verma, to the Superintendent of Police, Ambedkar Nagar, which was subsequently registered as a formal FIR at P.S. Kotwali Akbarpur. The material facts are detailed below:

1. **The Deal:** The informant, Anil Verma, along with his younger brother Sunil Verma, purchased a parcel of land situated at Aurangnagar Pahitipur, Akbarpur (Gata No. 310K, Area 0.6070 Hectare) from individuals posing as Ashok Kumar and Ajay Kumar (sons of Atmaram) on July 24, 2024, for a total sale consideration of ₹62 Lakhs. The brothers transferred ₹31 Lakhs each via online banking channels directly into the accounts provided by the sellers.
2. **The Discovery of Fraud:** Nearly a year after the mutation of the property, when the informant attempted to take physical possession of the land, adjacent landowners intercepted them, revealing that the actual land lay further behind. Shortly thereafter, the informant began receiving threatening and blackmailing messages over WhatsApp from an unknown number. The sender eventually shared two distinct Aadhaar cards featuring identical numbers but entirely mismatched names and addresses, adding that the actual owner of the property never sold it.
3. **The Impersonation Exposed:** The transaction had originally been engineered through a network of intermediate brokers and conspirators (Anil Kumar Verma, Adarsh Pandey, Ram Prakash Tiwari, and Baba Awadhesh Das), who claimed the sellers were their "disciples" living outside the district and facing an urgent financial crisis. Following the blackmailing texts, the informant independently tracked down the real contact details of Ashok Kumar's family. Ashok Kumar's son informed him that his father had left Akbarpur years ago and had **died in the year 2024**,

meaning he could not have executed any sale deed on July 24, 2024. It became clear that the brokers had set up an impersonator using forged Aadhaar and PAN cards to siphon off ₹62 Lakhs.

## 2. Submissions on Behalf of the Parties

The learned counsel for the applicant/accused argued that the applicant is completely innocent and has been falsely implicated based on manipulated facts. He forcefully contended that the applicant is not named in the primary FIR, has no prior criminal history, and did not sign or execute any sale deed. He asserted that no direct or indirect evidence links the applicant to the alleged forgery, and since he has been in judicial custody since May 19, 2026, he should be released on bail.

The learned District Government Counsel (Criminal) vehemently opposed the bail plea, presenting the relevant case diary and bank documents. He countered that the investigation explicitly uncovered the applicant's central role in the syndicate. He revealed that just three to four days prior to the execution of the fraudulent sale deed, a fictitious bank account was opened under the name of the deceased owner, Ashok Kumar, using forged documents. From this fake account, ₹4 Lakhs was immediately moved to a co-accused's account. Most importantly, the applicant physically stood before the sub-registrar as the deceased Ashok Kumar, putting his own photograph and thumb impression on the registered deed.

## 3. Judicial Analysis and Legal Rationale

This Court has examined the case file, the certified copy of the registered sale deed, and the police investigation reports:

1. **Prima Facie Proof of Impersonation:** While the applicant is not named in the initial FIR, his identity was fully uncovered during the investigation via statements and documentation. A comparison of the official registered sale deed confirms that it bears the physical photograph and thumb impression of the applicant, Kamlesh Kumar, under the stolen identity of the deceased person, Ashok Kumar. The applicant knowingly acted as a puppet for a land-grabbing syndicate to defraud unsuspecting buyers of their life savings.
2. **Gravity of Economic Offences:** The offence involves structured forgery, identity theft, and financial fraud to the tune of ₹62 Lakhs. The opening of a fraudulent bank account in a dead man's name right before the registry underscores a calculated, multi-layered conspiracy.

3. Economic offences constitute a class apart and need to be visited with a cognitive approach while adjudicating the bail applications. The economic offence, having deep-rooted conspiracies and involving huge loss of funds, needs to be viewed seriously and considered as grave offences.

In *Nimmagadda Prasad v. CBI (2013 (7) SCC 466)*, the Apex Court observed that economic crimes dismantle the social fabric and public trust, and courts must not grant easy bail where a clear *prima facie* case of deliberate forgery and theft exists. The defence that the applicant has no prior criminal history is overridden by the severe, calculated nature of the crime and the fact that a co-accused's bail plea has already been rejected by this Court. Granting bail at this stage would compromise the ongoing trial.

### **Order**

The first regular bail application moved on behalf of the applicant/accused **Kamlesh Kumar** in connection with Case Crime No. 933/2025, under Sections 319(2), 318(4), 338, 336(3), and 340(2) of the BNS, 2023, Police Station Kotwali Akbarpur, District Ambedkar Nagar, is hereby **Rejected**.

**( Chandroday Kumar )**

Sessions Judge, Ambedkar Nagar

*J.O. Code No.: UP6553*

**Date:** June 11, 2026

**Place:** Ambedkar Nagar