

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39540 of 2023

Applicant :- Manvendra

Opposite Party :- State of U.P.

Counsel for Applicant :- Bhanu Prakash Verma

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
3. The instant bail application has been filed with a prayer to enlarge the applicants on bail in Case Crime No.63 of 2023, under Sections 420, 467, 468, 471 IPC, Police Station Sadar Bazar, District Mathura, during the pendency of trial.
4. Learned counsel for the applicant has argued that so far as non-payment of consideration money is concerned out of Rs.10,00,000/-, Rs.7,00,000/- have been given by the applicant to Bhuri Singh for which he has executed receipt which is very much clear from perusal of the notary affidavit annexed at annexure-5 to the bail application. He further pointed out the revenue inquiries which show that Bhuri Singh had sold surplus land than his share. He further contended that in case of grievance, Bhuri Singh should have filed an FIR or should have instituted a suit for cancellation of sale deed for want of consideration but Bhuri Singh has neither lodged any FIR nor has instituted any suit for declaration of the sale deed to be null and void. The applicant is neither vendee nor the marginal witness. There is criminal history of three cases against the applicant which has been explained in paragraph-24 of the affidavit filed in support of the bail application. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 21.07.2023. In case he is enlarged on bail, he will not misuse the said liberty.
5. Learned AGA has opposed the prayer for bail. However, he could not dispute the aforesaid submissions advanced by the counsel for the applicant.

6. Having regard to the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

7. Let the applicant - **Manvendra**, involved in the aforesaid case 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 subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 2.11.2023

Shahroz