

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38809 of 2023

Applicant :- Ravendra Pratap Singh @ Rakendra Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Dharmendra Pratap Singh

Counsel for Opposite Party :- G.A.,Ajay Kumar Yadav

Hon'ble Vivek Varma,J.

1. Heard Sri Dharmendra Pratap Singh, learned counsel for the applicant, Sri Ajay Kumar Yadav, learned counsel for the informant and learned AGA for the State.

2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 460 of 2020, under Sections 406, 419, 420, 467, 468, 471, 506 I.P.C., P.S.- Kotwali, District- Fatehpur, during pendency of the trial.

3. Learned counsel for the applicant contends that the applicant has been falsely implicated in the instant case. The applicant has not executed any agreement to sale in favour of the informant. The dispute between the parties is of civil in nature. No amount has been credited in the account of the applicant. The applicant is not a beneficiary of the illicit transaction. It is further contended that the informant has also filed a suit for specific performance numbered as Suit No. 25 of 2021 (Krishnabhan Singh Vs. Rakendra Pratap Singh and others) in the court of Civil Judge (Junior Division). The said suit is still pending consideration before the court concerned. Criminal history of the applicant has been explained in paragraph No. 19 of the affidavit. The applicant is in jail since 08.06.2023. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned counsel for the informant and learned A.G.A. have opposed the prayer for bail but could not satisfactorily dispute the aforesaid facts from the record.

5. Having heard learned counsel for the parties and having perused the record this Court prima facie finds that no agreement to sale was executed in favour of the informant and no amount has been credited in the account of the applicant. The applicant is not a beneficiary of the illicit transaction. Further the applicant has remained confined for more than four

months and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Ravendra Pratap Singh @ Rakendra Singh** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness; and,
- iii. the applicant shall appear on each and every date fixed by the trial court.

7. 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 :- 26.10.2023

Nitika Sri.