

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 42075 of 2023

**Applicant :-** Mukesh Mishra

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Vineet Pandey,Pranvesh

**Counsel for Opposite Party :-** G.A.,Dinesh Chandra  
Srivastava

**Hon'ble Umesh Chandra Sharma,J.**

1. Heard Sri Pranvesh, learned counsel for the applicant, learned AGA for the State, Sri Dinesh Chandra Srivastava, learned counsel for the informant and perused the record.
2. By means of this bail application, applicant seeks bail in Case Crime No.524 of 2022, under Sections 420, 467, 468, 471 IPC, Police Station Ecotech-III, District Madhya Commissionerate, Gautam Budh Nagar, during the pendency of trial.
3. It is contended by the counsel for the applicant that the applicant has been falsely implicated in the present case. It is a matter of property dispute regarding boundary between the parties. It is also contended that there is inordinate delay of eight years in lodging the FIR as the property in question was purchased in the year 2013-14 whereas the allegation has been levelled against the applicant in the year 2022, for which there is no plausible explanation given by the informant side. It was the duty of the informant to inspect the relevant record and to get a certificate for 12 years inspection and to act in accordance with the Section 55 of the Transfer of Property Act, 1882 but the same has not been done. Learned counsel for the applicant contended that since it is a case of civil nature for which the applicant should not be tried as criminal. There is no previous criminal antecedents on the part of the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 27.06.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA has vehemently opposed the bail application but could not dispute the aforesaid factual aspects of the case and the submission advanced by the counsel for the applicant.
5. Considering the facts, circumstances and the submissions

made but without commenting on the merits of the case, this Court is of opinion that the applicant has made out a case for grant of bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Mukesh Mishra**, involved in the aforesaid case crime 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;

(iv) shall appear before the concerned SHO on any day of the first week of every month to show or establish his bona fide until further order of 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 :- 6.11.2023**

Shahroz