

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44324 of 2023

Applicant :- Surendra Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Suchita Mehrotra, Kartikeya Saran

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Rejoinder and supplementary affidavits filed on behalf of applicant in the Court today are taken on record.

2. Heard Sri Kartikeya Saran, learned counsel for the applicant, Sri Saumitra Anand, who has filed his Vakalatnama on behalf of Rajesh Kumar, learned AGA and perused the record.

3. The contention of learned counsel for the applicant is that an FIR came to be registered as Case Crime No. 453 of 2023, in which the allegations were leveled against four persons named in the FIR, alleging that the said four persons had duped the informant of an amount of Rs. 2,96,37,000/- in the garb of selling the property knowing the fact that the same was fraudulent. From the statement made by the counsel, who appears from the L & T Finance Ltd. reveals that L & T Finance financed money to the informant of the FIR for purchase of the property, which ultimately resulted into a fraudulent transaction as alleged in the FIR and as such the L & T Finance also gave a statement, alleging that they had been defrauded in the transactions. In terms of the said statement and the allegations contained in the FIR, investigations were carried out. During the course of investigation, it transpires that one of the co-accused had transferred certain amounts in favour of one Pawan Kumar and the said Pawan Kumar had deposited the amount of Rs. 80 lacs in favour of the applicant and solely based upon the said deposit the applicant was linked with the offence in question and was apprehended and is in jail since 29.8.2023.

4. Learned counsel for the applicant further submits that the applicant has nothing to do with the offence in question, he is sixty seven years old person after retirement, with the retiral dues, intended to purchase certain properties and came into contact with Pawan Kumar and certain amounts were sent as the property transaction in between applicant and Pawan Kumar as the deal

could not fructify, the amounts were returned by Pawan Kumar to the applicant and the applicant has no knowledge with regard to the source of funding of Pawan Kumar. To substantiate the said argument a supplementary affidavit has been filed, annexing the statement of account as well as agreement to sale.

5. Learned AGA as well as learned counsel for the informant have opposed the bail application.

6. Considering the statement made at the Bar, the applicant has been roped in the offence in question solely based upon certain transactions in his account but there being any other material to demonstrate the complicity of the applicant with the offence in question, as the applicant has no criminal history and the offence in question is to be established mainly based documentary evidence, *prima-facie* there is no material on record to demonstrate that if the applicant is enlarged on bail, it can adversely effect the trial. On overall consideration as recorded above, including the age of the applicant, the applicant who is in jail since 29.8.2023 is entitled to be enlarged on bail. In view thereof, the application is allowed.

7. Let the applicant **Surendra Singh** be released on bail in Case Crime No. 0453 of 2023, under Sections 420, 406, 467, 468, 471 and 120B I.P.C., P.S. Teelamod, district-Trans Hindon (Comissionerate Ghaziabad), on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 21.11.2023

Faridul