Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44922 of 2023

Applicant :- Rajendra Singh
Opposite Party :- State of U.P.
Counsel for Applicant :- Suresh Chandra Pandey
Counsel for Opposite Party :- G.A.,Gaya Prasad Mishra

Hon'ble Vivek Varma,J.

1. Copy of the case diary produced by learned A.G.A. for the State is taken on record.

2. Heard learned counsel for the applicant, Sri Gaya Prasad Mishra, counsel for the informant and learned AGA for the State-opposite party.

3. 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. 273 of 2023, under Sections 420, 467, 468, 471 and 120B of I.P.C., Police Station- Vrindawan, District- Mathura, during the pendency of trial.

4. Counsel for the applicant submitted that the applicant has been falsely implicated in the present case. The applicant is bonafide purchaser of the property in dispute. The applicant has paid the stamp duty worth Rs. 4,18,500/- for execution of the sale deed. The applicant himself has been duped. The property is still in possession of the informant. The applicant is in jail since 16.08.2023, having no criminal history and in case, he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA and counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record this Court prima facie finds that applicant had paid the stamp duty worth Rs. 4,18,500/- for execution of the sale deed. At this stage, there is no substantive evidence against the applicant. Further, the applicant has no criminal antecedents and has remained confined for more than two months and after submission of the charge-sheet 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 delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Rajendra Singh,** 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; and,

(iii) shall not pressurize the prosecution witnesses.

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 :- 2.11.2023
Sachin Mishra

Digitally signed by :-
SACHIN MISHRA
High Court of Judicature at Allahabad