

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45360 of 2023

Applicant :- Mohit

Opposite Party :- State of U.P.

Counsel for Applicant :- Amit Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Amit Kumar Srivastava, learned counsel for the applicant, learned AGA for the State and perused the record.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 76 of 2023, under Sections 420, 467, 468, 471, 504, 506 of the I.P.C, Police Station Izzatnagar, District - Bareilly, during the pendency of trial.
3. Learned counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated in the instant case. Learned counsel for the applicant has further contended that it is a case of purely civil in nature for which no suit for cancellation by any person has been filed against the applicant and the informant. The applicant was the *bona-fide* purchaser without value of the property in question. He had purchased the property-in-question on 04th January, 2022 from Manohar Lal. A photocopy of the registered sale-deed is on record as Annexure no. 4 to the affidavit. When the informant wished the same land for the own purposes, the same was sold to him on 04.06.2022 for a sum of Rs. 8,21,000/-, thus no fraud has been played by the applicant. The applicant has explained three other criminal history. The

applicant is in jail since 24.05.2023. In case, he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions made by the counsel for the applicant.

5. Having regard to the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant - **Mohit**, 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.

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 :- 16.11.2023

Vinod.