

**Court No. - 44**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 45876 of 2023

**Applicant :-** Haresh @ Talu

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

**Counsel for Applicant :-** Arvind Agrawal

**Counsel for Opposite Party :-** G.A., Ram Kumar

**Hon'ble Pankaj Bhatia, J.**

1. Heard learned counsel for the applicant as well as learned A.G.A. and Sri Raj Kumar, learned Counsel appearing on behalf of the complainant and perused the record.

2. In terms of the FIR, it was alleged that the applicant herein had stated that the land in question was owned by the ancestors of the applicant and based upon that an amount of Rs.7,00,000/- was parted by the informant and a memo was also prepared on a stamp paper worth Rs.100/-. It is further argued that subsequent thereto, an amount of Rs.2,00,000/- was demanded, failing which, threats were being issued.

3. Learned A.G.A. vehemently opposed the bail prayer.

4. On the perusal of the allegations contained in FIR, prima facie, no offence under Section 386 IPC in respect of Rs.7,00,000/- is made out, as admittedly the amount was parted on the applicant showing that the land belongs to his ancestors and not because of any threat. The criminal antecedents of the applicant was duly explained in paragraph 22 of the bail application which does not include any case of the nature as alleged by the informant.

5. Considering the nature of the allegations and the fact that some disputes are going on in between the parties in respect of a land coupled with the fact that the applicant is in custody since 20.08.2023, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is **allowed**.

6. Let the applicant **Haresh @ Talu** be released on bail in FIR/ Case Crime No.170 of 2023, under Section 386 IPC, Police Station Magorra, District Mathura on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the

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 :- 8.11.2023**

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