

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46455 of 2023

Applicant :- Roop Chandra Prajapati

Opposite Party :- State of U.P.

Counsel for Applicant :- Zia Uddin Ahmad, Azizur Rahman Khan

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA; Shri R. Tiwari, learned counsel for the informant and perused the record.

2. The FIR in question was lodged alleging that the informant had purchased a property by virtue of sale-deed dated 26.05.2004 on which a loan was also taken from the State Bank of India. Subsequently, on the basis of some investigation carried out by the CBI, it transpired that instead of giving the possession of the actual land, other land was given to the informant. The FIR in question was lodged after 19 years in the year 2023. Counsel for the applicant argues that even the mutation was effected over the land in question and the case is a simple case of demarcation dispute which cannot be termed as a forgery committed while execution of the sale-deed. The applicant has no criminal history.

3. Learned AGA has opposed the bail application.

4. Considering the fact that the FIR in question was lodged after 19 years and the averment basically is that the wrong land was given in possession, *prima-facie*, a case for grant of bail is made out. In view thereof, the application is ***allowed***.

5. Let the applicant ***Roop Chandra Prajapati*** be released on bail in FIR No.73 of 2023, under Section 419, 420, 467, 468, 471, 504, 506 IPC, P.S. Attarsuiya, District Prayagraj 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 :- 2.11.2023

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