

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47711 of 2023

Applicant :- Shiv Prasad

Opposite Party :- State of U.P.

Counsel for Applicant :- Dharendra Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.

2. In terms of the FIR, it was alleged that the property of the informant was sold by imposter.

3. Learned counsel for the applicant submits that the applicant is the bonafide purchase of the property in question. He next submits that the applicant is a government employee in A.G. Office and he has purchased the property in question on loan after paying the sale consideration amount through a registered sale deed and in view of the above, the applicant is also a victim of fraud in respect of the sale deed. He further submits that the applicant has no criminal history in his credit and he is in jail since 11.9.2023, is entitled to be enlarged on bail.

4. Learned AGA has opposed the bail application.

5. Considering the fact and circumstances of the case, considering the argument advanced by learned counsel for the parties and perused the record, this Court is of the view that allegation in the FIR prima facie shows that the applicant appears to be a victim of fraud in respect of sale deed, the applicant has no criminal antecedents to his credit, hence he is entitled to be enlarged on bail. In view thereof, the application is allowed.

6. Let the applicant **Shiv Prasad** be released on bail in FIR No. 159 of 2023, under Sections 419, 420, 504, 506, 467, 468 and 471 I.P.C., P.S. Industrial Area, 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 :- 8.11.2023

Faridul