

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50684 of 2023

Applicant :- Lalit Baliyan

Opposite Party :- State of U.P.

Counsel for Applicant :- Anjali Singh Tomer, Inder Pal Singh Tomar

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
2. By means of this bail application, applicant seeks bail in Case Crime No.86 of 2023, under Sections 420, 406, 467, 468, 471506, 120-B IPC, P.S. Nai Mandi, District Muzaffarnagar. during the pendency of trial.
3. It is submitted by learned counsel for the applicant that the sale transaction between the informant and the accused persons was finalized through Vinay Kumar, Ex Pramukh and one Anshul and the informant had provided Rs. 20 lacs as earnest money and one demand draft of Rs. one crore and 50 lacs to the seller/accused Ashok Kumar. It has been mentioned in the FIR that an authority letter has been executed by accused Ashok Kumar in favour of the present accused Lalit Baliyan.
4. From the perusal of the record it transpires that the complainant had provided Rs. 20 lacs to accused on 20.12.2022 through R.T.G.S. and in furtherance of oral agreement the sale deed was not executed by accused Ashok Kumar in favour of the informant. He has returned the aforesaid money to the seller accused Ashok Kumar on 06.07.2023 through R.T.G.S. There is no criminal history of the accused applicant.
5. Learned counsel for the applicant contends that though the applicant has no concern with this case and if, for the sake of argument it is assumed that there is any criminal case against the applicant it found that there is no criminal liability on the accused applicant arises. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since

26.06.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

6. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

7. Having regard to the facts, circumstances and 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. Accordingly, the bail application is allowed.

8. Let the applicant **Lalit Baliyan-** , 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.

9. 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 :- 11.12.2023

RPD