

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5509 of 2023

Applicant :- Antim Shukla

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Rajendra Singh, Dinesh Chandra Tewari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Krishna Kumar Tiwari, the learned counsel for the applicant, Sri Sanjay Maurya, the learned AGA for the State and perused the records.

2. By means of the instant application the applicant seeks bail in Case Crime No. 535 of 2022, under Sections 406, 420, 467, 468, 471, 504, 506, 109 IPC, Police Station Kotwali Nagar, District Barabanki.

3. The aforesaid case has been registered on the basis of a FIR lodged on 04.06.2022 against one Sanjay Singh Singla and the applicant describing him as Manager stating that the informant had purchased a plot of land from the co-accused in the year 2014 but possession of the land was not delivered to him.

4. In the affidavit filed in support of the application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in six other cases has been disclosed in a supplementary affidavit and four other cases have been mentioned in the rejoinder affidavit.

5. Learned counsel for the applicant has submitted that the applicant has already been granted bail in nine cases.

6. It has further been stated in the supplementary affidavit that the co-accused Sanjay Singh Singla has filed a civil suit bearing No. 209 of 2022 for declaration and perpetual injunction against the informant and other persons in the Court of Civil Judge (Sr. Div.), Court No. 20, Barabanki regarding the land in question.

7. Co-accused Sabhaa Patee Misra has been granted bail in the present case by means of an order dated 29.05.2023 passed by this Court in Criminal Misc. Bail Application No. 5855 of 2023.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the grievance of the informant is regarding non delivery of possession of a land purchased from Singla Developers and the applicant was merely an employee in the aforesaid concern and he was neither the proprietor of the concern nor executor of the sale deed; that the suit regarding the land in question has been pending the co-accused and the informant and that the applicant is languishing in jail since 18.11.2022, I am of the view that the applicant is also entitled to be released on bail on the ground of parity.

9. Accordingly, this bail application stands ***allowed***.

10. Let the applicant-***Antim Shukla*** be released on bail in the aforesaid Case Crime No. 535 of 2022, under Sections 406, 420, 467, 468, 471, 504, 506, 109 IPC, Police Station Kotwali Nagar, District Barabanki on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

Order Date :- 28.10.2023

Pradeep/-