Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7403 of 2023

Applicant :- Abhishek Dubey
Opposite Party :- State Of U.P Thru. Secy. Home U.P Govt. Lko
Counsel for Applicant :- Km. Saakshi Pandey,Abhinav Srivastava,Rahul Srivastava
Counsel for Opposite Party :- G.A.,Saurabh Upadhyay

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rahul Srivastava, learned counsel for the applicant, Sri Manish Kumar Pandey, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.37 of 2023, under Sections 406, 419, 420, 467, 468, 471, 504, 506 I.P.C., registered at Police Station Kotwali Tanda, District Ambedkar Nagar.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 27.02.2023 against four persons, including the applicant, stating that the informant had purchased a plot of agricultural land from the co-accused persons Ram Ashish and Manish through a sale deed dated 23.08.2021 and mutation of her name was carried out on 27.12.2021. She had asked the relatives of the seller to carry out cultivation on the land purchased by her. Later on when she demanded back possession of the land the accused persons threatened her.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.

5. The learned A.G.A. has opposed the prayer for bail but he

could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the dispute predominantly appears to be regarding possession of an agricultural land which had been handed over by the informant to some other persons for doing cultivation on it and the applicant has been implicated as he was one of the witnesses of the sale deed dated 23.08.2021executed in favour of the informant; that the applicant has no previous criminal history and he is languishing in jail since 28.04.2023 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

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

8. Let the **applicant-Abhishek Dubey** be released on bail in the aforesaid case on 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.

(Subhash Vidyarthi, J.)

Order Date :- 6.12.2023
Ram.

Digitally signed by :-
RAM SINGH
High Court of Judicature at Allahabad,
Lucknow Bench