

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7648 of 2023

Applicant :- Mukesh Kumar Yadav

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

Counsel for Applicant :- Syed Mohd Mahmood Hasan, Vivek Chandra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Vivek Chandra, the learned counsel for the applicant as well as Sri Rakesh Kumar Singh, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 988 of 2022, under Section 406, 419, 420, 467, 468, 471, 506 I.P.C., registered at Police Station Kotwali Nagar, District Barabanki.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 17.09.2022 against 13 persons, including the applicant, by the informant, who introduce herself as a director of City Doors Infrastructure Pvt. Ltd., alleging that she had purchased a piece of land from the applicant and similarly some other parts of land were purchased from two co-accused persons and thereafter the informant's company carved out plots in the land and sold the same to other persons. Subsequently, the informant came to know that the persons who had executed a sale deed in favour of the company were not owners of the land.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case.
5. The applicant's involvement in eight other cases has been disclosed in para 5 of affidavit filed in support of the application, in six of which the applicant had been granted bail prior to filing of the instant bail application and in the remaining cases also he has been granted bail. The co-accused Kuldeep Yadav has already been granted bail by this court by means of an order dated 12.10.2023, passed in Criminal Misc. Bail Application No.5047 of 2023.

6. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R does not contain any particulars as to whom the land in question belong as per the informant and that the alleged true owner of the land has not come forward to file any F.I.R against the applicant and also that the applicant has already been granted bail in all the other cases, coupled with the fact that the applicant is languishing in jail since 11.10.2022 and without making any observations 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.

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

9. Let the **applicant- Mukesh Kumar Yadav** 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 the 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.

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(Subhash Vidyarthi,J.)

Order Date :- 28.10.2023

Ram.