

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7705 of 2023

Applicant :- Dinesh Kumar Yadav @ Dinesh Yadav

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

Counsel for Applicant :- Abhay Raj Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Abhay Raj Singh, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, 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. 252 of 2022, under Section 34, 419, 420, 467, 468, 471 I.P.C., registered at Police Station Masauli, District Barabanki.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 03.06.2022 against three named persons, not including the applicant, and an unknown person, alleging that co-accused Om Prakash Verma, Proprietor of Sankalp Trading Services, had executed a sale deed dated 17.02.2021 selling a plot of land measuring 1000 Sq. ft. to the informant. The F.I.R states that the co-accused Om Prakash Verma had executed sale deeds in respect of land in excess of land held by him and this has let to a dispute, under which some other person was claiming ownership of the land purchased by the informant.
4. It came to light during investigation, that earlier the applicant was employee in another business concerned of co-accused Om Prakash Verma.
5. 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. The applicant's involvement in 28 other cases has been disclosed in para 21 of the affidavit, in 5 of which the applicant has been granted bail.
6. The learned counsel for the applicant has submitted that co-accused Om Prakash Verma, has already been granted bail by means of an order dated

07.08.2023 passed by this Court in Criminal Misc. Bail Application No.8982 of 2023.

7. The State has filed a counter affidavit opposing the bail application and the learned A.G.A. has advanced submissions in opposition of the bail application, but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that a co-accused has already been granted bail, coupled with the fact that the applicant is languishing in jail since 28.09.2022 and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

10. Let the **applicant- Dinesh Kumar Yadav @ Dinesh 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.

(Subhash Vidyarthi,J.)

Order Date :- 20.11.2023

Preeti.