

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7788 of 2023

Applicant :- Mukesh Kumar Yadav

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Deptt. Civil Sectr. 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, learned counsel for the applicant, Sri Rakesh Kumar Singh, learned A.G.A.-I 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. 1098 of 2022, under Sections 419, 420, 467, 468, 471, 504, 506 I.P.C., registered at Police Station Kotwali, District Barabanki.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.10.2022 against 11 persons, including the applicant, and an unknown woman stating that the informant came to know that on 20.07.2012, an agreement to sell the informant's land was executed in favour of other persons and two accused persons witnessed the execution of sale deed.
4. During investigation, the investigating officer recorded statement of Anil Kumar, SATish Kumar Sharma, Sandeep Kumar, Mohan and Mukesh who stated that Mukesh etc. were involved in execution of the sale-agreement of other persons.
5. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case. Applicant's involvement in eight other cases have been disclosed in para 5 of the affidavit, in 6 of the which he has been granted bail.
6. The learned A.G.A. has opposed the prayer for 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 agreement in question was executed on 20.07.2012 whereas the FIR has been lodged

on 12.10.2022; that even as per the allegations made by the informant, neither she has been divested of the title in respect of her land nor has she been dispossessed; and the applicant is languishing in jail since 11.10.2022 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.

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

9. Let the **applicant-Mukesh Kumar Yadav** be released on bail in the aforesaid case crime 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.

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(Subhash Vidyarthi, J.)

Order Date :- 28.10.2023

Ram.