

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7890 of 2023

Applicant :- Abdullah Khan

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

Counsel for Applicant :- Prashant Tiwari, Sachin Upadhyay, Sayed Weqar Husain, Shivendra S Singh Rathore

Counsel for Opposite Party :- G.A., Abhishek Srivastava, Amjad Siddiqui, Mohemmed Amir Naqvi

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shivendra Shivam Singh, learned counsel for the applicant, Sri Jayant Singh Tomar, the learned A.G.A.-I for the State and perused the records. The learned counsel for the informant is not present. He was also not present on the previous date also.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 253 of 2022, under Sections 323, 342, 354, 354-Ka, 354-Gha, 406, 420, 467, 468, 471, 504, 506 I.P.C., registered at Police Station Hazratganj, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.07.2022 against three persons including the applicant stating that the informant used to treat the applicant like her son and she had sold away her house situated in Indira Nagar for Rs.21,25,000/- and had paid the amount to the applicant on his offer of getting her a flat in Kaiserbagh area. The applicant took a total of Rs.32,50,000/- from the informant and some further amounts but he had paid merely Rs.17,00,000/- to the builder and misappropriated the balance amount.

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. It has also been submitted that two co-accused persons Mohd. Shakeel Khan and Mavia Ahmad Khan have already been granted anticipatory bail by means of an order dated 20.04.2023 passed by learned Sessions Judge, Lucknow.

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 as per F.I.R. the accuse persons had called the informant's daughter and had done some objectionable things on 21.02.2022, whereas the informant had lodged the F.I.R. on 16.07.2022; that the applicant is not a party to any of the deeds executed by or in favour of the informant; that both the other co-accused persons have already been granted anticipatory bail; that the applicant has no previous criminal history and he is languishing in jail since 08.04.2023 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-Abdullah Khan** 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 :- 6.11.2023
Ram.