

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8773 of 2023

Applicant :- Tilakram

Opposite Party :- State of U.P.

Counsel for Applicant :- Devendra Pratap, Shashank Shekhar Singh, Shiv Sharan Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard the learned counsel for the applicant, Sri Rishikesh Verma, 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. 190 of 2022, under Sections 419, 420, 467, 468, 471, 504, 506 I.P.C., registered at Police Station Dubagga, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 06.10.2022 against the applicant, one Chandra Shekhar and some other persons, stating that the informant had purchased a plot from the co-accused through a sale-deed dated 08.11.2017 and had got a boundary wall constructed securing the possession of the land in question. He alleged that on 20.05.2022, some other persons claimed ownership of the land saying that they have purchased the same from the Chandra Shekhar. He stated that the applicant had introduced him to Chandra Shekhar and witnessed execution of the sale deed.
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. Applicant's involvement in three other cases has been disclosed in para 13 of the affidavit, in which the applicant has enlarged on bail.
5. Learned counsel for the applicant has submitted that the co-accused Chandra Shekhar is a person belonging to Scheduled Caste community and that the sale-deed in favour of the informant has been executed without obtaining requisite permission for transfer of the land, which vitiates the process. It has further been stated in the affidavit that a suit No.775 of 2023 in the court of Civil Judge, Senior Division, Lucknow in respect of the land in dispute. Co-accused Chandra Shekhar has been granted bail by this Court by means of the order dated 17.10.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.12322 of 2023.
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 the dispute predominantly appears to be civil in nature, which is already pending consideration before the competent civil court; a co-accused has been granted bail 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-Tilakram** be released on bail in aforementioned 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 :- 21.11.2023
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