

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10091 of 2023

Applicant :- Sharafat Ali

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

Counsel for Applicant :- Manish Kumar Tripathi, Aditya Vikram Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Aditya Vikram Singh, learned counsel for the applicant, Sri Jayant Singh Tomar, 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. 0122 of 2023, under Sections 420, 406, 467, 468, 471, 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 04.04.2023 against six persons, including the applicant, stating that the informant had purchased a Flat No.101 situated on the first floor of Alayah Heritage Apartment from Yazdan Infracon Pvt. Ltd. through a sale deed dated 31.12.2019. The building was demolished by the Lucknow Development Authority on 15.11.2022 on the ground that the construction was raised illegally.
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 2 other cases of similar nature has been disclosed in the supplementary affidavit and in both of the cases the applicant has been granted bail.
5. Learned counsel for the applicant has further submitted that the present FIR has been filed to pressurize the applicant to pay money to the informant, for recovery of which, no proceedings has been initiated by the informant.
6. The learned counsel for the applicant submits that the co-accused Sayem Yazdani, has been granted bail in the aforesaid case by means of the order dated 17.10.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.11111 of

2023.

7. The learned A.G.A. has filed a counter affidavit, which is taken on record. He has opposed the prayer for bail 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 the applicant is languishing in jail since 27.05.2023 and a co-accused has been granted bail whereas no proceeding for recovery of money has been initiated by the informant 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.

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

10. Let the applicant- **Sharafat Ali** 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 :- 30.10.2023

Preeti.