

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10576 of 2023

Applicant :- Sayem Yazdani

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

Counsel for Applicant :- Riyaz Ahmad, Hemant Kumar Pandey, Jatin Raheja, Shakti Kumar Sharma, Shobhit Harsh

Counsel for Opposite Party :- G.A., Sheikh Mohammad Ali, Vikas Vikram Singh

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shobhit Harsh, learned counsel for the applicant, Sri Gyanendra Singh, 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. 296 of 2022, under Sections 148, 323, 504, 409, 420 I.P.C., registered at Police Station Mahanagar, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 03.10.2022 against Sayem Yazdani and the applicant, the Directors of Yazdani Builders, and their accomplices stating that the informant had booked three flats from Yazdani Builders and the considerations for the flats were being paid since the year 2013. The F.I.R. states that the informant was paid Rs.94,00,000/- but the flats were not sold to them.
4. 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. The applicant is also involved in 17 other cases. Applicant's criminal history of 18 other cases has been disclosed in para 54 of the rejoinder affidavit which are of similar nature and the applicant has already been granted bail in 8 of those cases. Co-accused persons, namely, Sharaft Ali and Fahad Yazdani have been granted bail by means of the orders dated 28.07.2023 & 06.11.2023 passed in CRIMINAL MISC. BAIL APPLICATION Nos. 9508 of 2023 & 13087 of 2023 respectively.
5. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is a

Director of the Company and another Director of the company has already been granted bail whereas the applicant is languishing in jail since 16.02.2023 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.

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

7. Let the applicant-***Sayem Yazdani*** 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.

Order Date :- 7.11.2023

Pradeep/-