

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10942 of 2023

Applicant :- Deshraj

Opposite Party :- State of U.P.

Counsel for Applicant :- Sagar Singh, Shri Ram Maurya, Vimal Kishor Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Vimal Kishor Singh, the learned counsel for the applicant as well as Ms. Charu Singh, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 18 of 2022, under Section 418, 420, 504, 506 I.P.C., registered at Police Station Badosaray, District Barabanki.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 14.01.2022 against nine persons, including the applicant, alleging that the co-accused Vinod KUMAR had entered into an agreement dated 11.11.2020 to sell his land in favour of the informant and in breach of the conditions of the agreement, he sold away his land to other persons, including the applicant.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case.
5. The applicant's involvement in four other cases has been disclosed in para 16 of the affidavit filed in support of the bail application. The applicant has already been granted bail in three cases. One case under Section 3(1) of Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, has been filed after his implication in the present case and he is involved in another case under Section 3/25 of Arms Act. It has also been submitted on behalf of the applicant that the co-accused Vinod Kumar, against whom the allegations of wrongfully selling away the land has been levelled has already been granted bail by this court by means of an order dated 19.09.2023, passed in Criminal Misc. Bail Application No.11233 of 2023.

6. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case, what prima facie appears from the allegations levelled in the F.I.R is that the grievance of the informant is regarding breach of agreement regarding sale of the applicant's property, which dispute inherently appears to be of civil nature and co-accused against whom the allegation of selling away the land has been levelled has already been granted bail by this court and without making any observations 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.

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

9. Let the **applicant- Deshraj** 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 the 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 :- 22.11.2023

Ram.