

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12128 of 2022

Applicant :- Sadhu And Another

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

Counsel for Applicant :- Brihaspati Mani Pathak

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Arpit Chaudhary, learned counsel for the applicants, Smt. Parul Kant, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicants on bail in Case Crime No.403 of 2021, under Sections 420, 467, 468, 471 I.P.C., registered at Police Station Poorakalndar, District Ayodhya.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 13.09.2021 against the applicants alleging that the applicant had offered to sell their land to the informant and the informant purchased the land after inspecting the khatauni and obtaining a non-incumbrance certificate from the office of the Sub Registrar on 04.03.2021. Subsequently two other persons claimed that they had purchased the land in question way back in the year 2012 and shown their sale deed to the informant. In the F.I.R. the informant has prayed for return of his money.
4. In the affidavit filed in support of bail application it has been stated that the applicants are innocent and the applicants have been falsely implicated in the present case. A supplementary affidavit has been filed on behalf of the applicants disclosing that the applicant no.1 has criminal history of one case and

applicant no.2 has criminal history of two cases and both of the applicants have been granted bail in one case.

5. The State has filed a counter affidavit opposing the bail application.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the informant himself has stated in the F.I.R. that the land in question was purchased after examining the entries made in khatauni and obtaining a non-incumbrance certificate from the office of Sub Registrar indicating that the name of the applicants was entered entered in the revenue records; that a prayer had been executed in the year 2012 regarding which the applicants statement is that it was executed by their mother who died in the year 2022 and the prior sale deed was not their knowledge for want of mutation also and that the informant has prayed for return of money through the F.I.R. without initiating any civil proceedings and it appears that the criminal prosecution has been set in motion for obtaining civil relief without instituting a suit after payment of court fee and the applicants are languishing in jail since 07.04.2022 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 **applicants-Sadhu & Chamaru** 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 applicants shall not tamper with the prosecution evidence;

- (ii) the applicants shall not pressurize the prosecution witnesses;
- (iii) the applicants shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 3.11.2023
Ram.