Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11196 of 2023

Applicant :- Manish Kumar Singh
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, Civil Sectt. Distt. Lko.
Counsel for Applicant :- Rajesh Kumar,Sanat Singh,Suhail Kashif
Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rajesh Kumar, the learned counsel for the applicant and Sri Jayant Singh Tomar, the learned AGA-I 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. 454 of 2023, under Sections 420, 406, 467, 468, 471 IPC, Police Station Dewa, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 04.06.2023 alleging that the informant had purchased a plot of land from Govardhan Colonizers Private Ltd., of which the applicant is a Director, through a sale deed dated 27.05.2015. The applicant had promised to deliver possession of the land within six months but possession was not delivered to the informant even after expiry of nine years.

4. A copy of the sale deed has been annexed with the affidavit filed in support of the application wherein it is stated that the purchaser had been handed over possession of the land.

5. 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's involvement in 13 other cases has been disclosed in the affidavit filed in support of the application and the learned counsel for the applicant has submitted that the applicant has been granted bail in five cases.

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 grievance of the informant is regarding non delivery of possession of the land purchased in the year 2015 whereas the sale deed mentions that the possession had been delivered to the purchaser; that no proceeding for recovery of possession has been initiated by the informant and that the FIR has been lodged on 04.06.2023, after expiry of about eight years since purchase of the land 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 case.

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

9. Let the applicant-***Manish Kumar Singh*** 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/-

Digitally signed by :-
PRADEEP SINGH
High Court of Judicature at Allahabad,
Lucknow Bench