

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12543 of 2022

Applicant :- Vinod Kumar Giri

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

Counsel for Applicant :- Kamlesh Singh, Manjusha Kapil

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Ms. Manjusha Kapil, the learned counsel for the applicant as well as Smt. Parul Kant, 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. 364 of 2021, under Section 419, 420, 506 I.P.C., registered at Police Station Bakhsi Ka Talab, District Lucknow.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 10.11.2021 against three persons, including the applicant, stating that the informant had entered into an agreement with the applicant for purchasing two plots of land measuring 0.224 Hectares and 0.076 Hectares at the rate of Rs. 1 Crore per Bigha and the informant had transferred Rs. 98,000/- to the applicant's bank account but the land was sold to another person and his amount was not returned.
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. A supplementary affidavit has been filed on behalf of the applicant disclosing the involvement in 8 other cases, in four of which he has been granted bail.
6. The State has filed a counter affidavit opposing the bail application.
7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the informant alleges to have paid Rs. 98,000/- in two installments for purchasing a land but no agreement to sell the land had been executed by the applicant in favour of the informant; the grievance of the

informant appears to be non refund of Rs. 98,000/- paid by him for recovery whereof no civil proceedings has been initiated by the informant, coupled with the fact that the applicant is languishing in jail since 04.08.2022 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-Vinod Kumar Giri** 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.

(Subhash Vidyarthi,J.)

Order Date :- 29.11.2023
Preeti.