

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12781 of 2022

Applicant :- Arvind Kumar

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

Counsel for Applicant :- Nisha Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1.Heard Smt. Nisha Srivastava, the learned counsel for the applicant as well as Sri Anurag Verma, the learned A.G.A.-I 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. 48 of 2022, under Section 420, 506, 467, 468, 471 I.P.C., registered at Police Station Satrikh, District Barabanki.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 28.01.2022 by the applicant himself against seven persons, stating that the accused persons had obtained a sale deed from the informant without payment of the agreed sale consideration. The applicant has been made an accused on the basis of statement of the named accused persons, who stated that the applicant executed a sale deed in respect of a property, which had already been sold by him.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant had already filed a suit for cancellation of the earlier sale deed and a suit for cancellation of the sale deed in question has also been filed by him.

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

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that civil suit for cancellation of the sale deed executed by the applicant are already pending, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 29.06.2022 and not even a single witness has been examined by the trial 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.

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

8. Let the **applicant- Arvind Kumar** 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 :- 16.11.2023

Preeti.