

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11671 of 2023

Applicant :- Sayem Yazdani

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

Counsel for Applicant :- Atul Verma, Vinod Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Atul Verma, learned counsel for the applicant, 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 applicant on bail in Case Crime No.192 of 2022, under Sections 409, 420, 467, 468, 471, 120B I.P.C., registered at Police Station Vibhuti Khand, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged by an authorized signatory of I.I.F.L. Home Finance Limited on 10.04.2022 against 16 persons, including the applicant, alleging that the informant is a non banking financial company. Several co-accused persons had applied for grant of housing loan for purchasing flats in a building proposed to be constructed by the applicant's concern, M/s Yazdan Constructions on the basis of forged documents, for causing undue losses to the informant-Company.
4. Copy of the relevant case diary has been annexed with the affidavit filed in support of the bail application which indicates that in response to the some specific questions put by the investigating officer, the informant has stated that no document was found to be forged at the time of sanction of loan and the informant merely suspected that the documents could have been fabricated and this is a matter to be investigated by the investigating officer.
5. The State has filed a counter affidavit opposing the bail application and applicant's involvement in 10 other cases has been disclosed

therein. It has been stated in the counter affidavit that the applicant was granted permission to raise a construction up to five storey only whereas the applicant took flats in excess of the sanctioned number of flats up to eight floor. Learned A.G.A. has submitted that the applicant has raised construction illegally without requisite permissions and sanctions.

6. A supplementary affidavit has been filed on behalf of the applicant explaining his criminal history of total 14 cases, in three of which the applicant has been granted bail and the learned counsel for the applicant has submitted that all the FIRs have been lodged regarding disputes arising out of the construction of Alaya apartments.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the FIR alleges that co-accused persons had taken loan from the informant's company on the basis of forged documents whereas in the statement recorded by the investigating officer, he stated that he merely suspects about the documents being forged for the reason that they had committed default for the payment of loan and no material has been placed in support of the allegation; that during investigation, it has come to light that the applicant has raised illegal construction without requisite sanctions and permissions and no official or officer who was responsible for checking illegal construction has not been made an accused in the present case; that consequence of raising illegal construction and action taken in respect thereof is provided under U.P. Urban Planning and Development Act and no action has been initiated against the applicant and that the applicant is languishing in jail since 28.02.2023 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.

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

9. Let the **applicant-Sayem Yazdani** be released on bail in Case Crime No.192 of 2022, under Sections 409, 420, 467, 468, 471, 120B I.P.C., registered at Police Station Vibhuti Khand, District Lucknow 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.

(Subhash Vidyarthi, J.)

Order Date :- 12.10.2023
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