

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11975 of 2023

Applicant :- Pawan Kumar Pandey

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home, Civil Sectt. Lko.

Counsel for Applicant :- Indra Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Indra Pratap Singh, the learned counsel for the applicant, Sri J.S. Tomar, the learned A.G.A.-I for the State and Sri Santosh Kumar Mishra, Advocate who has put in appearance on behalf of the informant and filed his vakalatnama, which is taken on record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 0230 of 2022, under Sections 147, 406, 420, 467, 468, 471, 323, 504, 506 I.P.C., registered at Police Station Khandasa, District Ayodhya.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 13.09.2022 against the applicant, his brother, his son and his wife and two unknown persons by the informant, who is the applicant's maternal uncle, stating that in the Month of July, 2019 the applicant and his brother co-accused Shiv Kumar Pandey had agreed to purchase the informant's agricultural land for Rs.6,20,000/-. Both of them took the informant to the Registrar's office and got a sale deed executed in favour of the informant's wife Dayawati. They had paid merely Rs.20,000/- to the informant and the applicant told the following day that his son co-accused Ashish Kumar Pandey works in Anni Bullion Finance Company and the

balance consideration has been invested in the company which would grow two fold within two years. The F.I.R. has been lodged on 21.08.2022 when the informant failed to get the return of the amount of sale consideration or return of the investments made in the company.

4. 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 six other cases has been disclosed in para 17 of the affidavit in four of which the applicant has already been granted bail. The co-accused persons Shiv Kumar Pandey and Ashish Kumar Pandey have already been granted bail by this court by means of orders dated 25.07.2023 and 16.08.2023, passed in Criminal Misc. Bail Application Nos.9342 of 2023 and 7778 of 2023.

5. The learned A.G.A. and learned counsel for the informant have opposed the prayer for bail and learned counsel for the informant has submitted that the sale deed mentions sale consideration to be merely Rs.20,000/- whereas the valuation of the land is mentioned as Rs.6,30,000/- which prima facie indicates that the informant has been cheated. He has further submitted that the application for mutation of his name in the revenue record has been rejected.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the sale deed in question was executed in the month of July, 2019, the grievance of the informant is regarding payment of merely Rs.20,000/- towards the sale consideration which is the amount mentioned in the sale deed and non-payment of the balance amount which is alleged to have been invested in a company; that the F.I.R. was lodged on 21.08.2022 i.e. after expiry of more than three years from the date of execution of the sale deed and that two

co-accused persons have already been enlarged on bail by this court, whereas the applicant is languishing in jail January, 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.

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

8. Let the **applicant-Pawan Kumar Pandey** be released on bail in Case Crime No. 0230 of 2022, under Sections 147, 406, 420, 467, 468, 471, 323, 504, 506 I.P.C., registered at Police Station Khandasa, District Ayodhya 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 :- 10.10.2023
Ram.