

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12129 of 2023

Applicant :- Mukesh Kumar Yadav

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

Counsel for Applicant :- Vivek Chandra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vivek Chandra, learned counsel for the applicant, Sri Jayant Singh Tomar, learned A.G.A.-I 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. 1256 of 2022, under Sections 419, 420, 467, 468, 471 I.P.C., registered at Police Station Kotwali Nagar, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 25.11.2022 against two persons, not including the applicant, and an unknown woman stating that the informant came to know that on 23.03.2012, an agreement to sell the informant's land was executed in favour of one Mohd Shamim and two accused persons witnessed the execution of sale deed.

4. During investigation, the investigating officer recorded statement of Tillu Naag, brother of the named co-accused, Madan Naag, who stated that Dharmendra Singh @ Sonu, Kuldeep, Manish, Mukesh, Samsuddin etc., were engaged in property business and when they were arrested, it came to light that these persons were involved in execution of the sale-deeds of other persons.

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. Applicant's involvement in eight other cases have been disclosed in para 14 of the affidavit, in 5 of the which he has been granted bail.

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 agreement in question was executed on 23.03.2012 whereas the FIR has been lodged on 25.11.2022; that even as per the allegations made by the informant, neither she has been divested of the title in respect of her land nor has she been dispossessed; that the applicant has been implicated merely because brother of a co-accused person stated that after his arrest, he came to know that he was also involved with other persons in sale of properties belonging to other persons, and the applicant is languishing in jail since 11.10.2022 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-***Mukesh Kumar Yadav*** be released on bail in Case Crime No. 1256 of 2022, under Sections 419, 420, 467, 468, 471 I.P.C., registered at Police Station Kotwali Nagar, District Barabanki 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 :- 11.10.2023

Pradeep/-