

**Court No. - 16**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 12075 of 2023

**Applicant :-** Jitendra Kumar Singh

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

**Counsel for Applicant :-** Anand Kumar Srivastava

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi,J.**

1. Heard Sri Anand Kumar Srivastava, the learned counsel for the applicant Sri Arpti Kumar, 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. 131 of 2023, under Section 406, 420, 467, 468, 471 I.P.C., registered at Police Station Deva, District Barabanki.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 22.02.2023 stating that the informant had purchased a plot of land from Balliya Green City Development Pvt. Ltd. through its Director Jitendra Kumar Singh (the applicant), by means of a registered sale deed dated 30.08.2017. However, possession of the land purchased was not delivered to the informant. The F.I.R further states that after repetitive persuasion, the applicant gave a cheque to the informant, which was returned due to insufficiency of funds.
4. A copy of the sale deed in question has been annexed with the affidavit filed in support of the bail application, which contains a narration that possession of the land sold was handed over to the purchaser.
5. 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. The applicant's involvement in 7 other cases has been disclosed in para 19 of the affidavit, in four of which he has been granted bail.
6. The learned A.G.A. has opposed the prayer of the 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 in the sale deed dated 30.08.2017 it is stated that possession of the land sold was delivered to the informant; the F.I.R has been lodged on 21.05.2018 alleging non-delivery of possession; that the F.I.R stated that a cheque was handed over by the applicant which was dishonored and the F.I.R has been lodged afterwards, which prima facie appeared to be hit by Section 142 of Negotiable Instrument Act 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- **Jitendra Kumar Singh** 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 :- 10.10.2023**

Preeti.