

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12180 of 2023

Applicant :- Awanish Pandey

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

Counsel for Applicant :- Virendra Kumar Arya

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Virendra Kumar Arya, learned counsel for the applicant, Sri Arpit Kumar, 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. 534 of 2022, under Sections 420, 406, 467, 468, 471, 109 I.P.C., registered at Police Station Kotwali City, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 04.06.2022 against two persons, not including the applicant, stating that the informant had purchased a plot of land from one of the named accused persons Sanjay Singh Singla, Proprietor of Singla Developers in the year 2013 but the possession of the land was not delivered to the informant. The applicant has been implicated during investigation as being involved with the named accused persons in commission of the offence.

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 has disclosed his involvement in ten other cases of similar nature in the affidavit. Two of the co-accused persons namely Subhaa Patee Mishra and Rajwant Yadav, who were also implicated during investigation have been granted bail by this court by means of

orders dated 25.05.2023 and 03.03.2023, passed in Criminal Misc. Bail Application Nos.5138 of 2023 and 3495 of 2023 respectively.

5. The learned A.G.A. has opposed the prayer for 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 the sale deed in question was executed in the year 2013, whereas the F.I.R. alleging non-delivery of possession of the plot has been filed in the year 2022; that the applicant is not named in the F.I.R. and two of the accused persons have already been enlarged on bail by this court whereas the applicant is languishing in jail since 16.08.2023 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-Awanish Pandey** be released on bail in Crime No. 534 of 2022, under Sections 420, 406, 467, 468, 471, 109 I.P.C., registered at Police Station Kotwali City, 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 :- 12.10.2023
Ram.