

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2224 of 2023

Applicant :- Avinash Maurya

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

Counsel for Applicant :- Anand Mani Tripathi, Shyam Kinkar Pandey

Counsel for Opposite Party :- G.A., Ram Kumar Singh

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Anand Mani Tripathi, the learned counsel for the applicant, Sri Anant Pratap Singh, learned AGA, Sri Ram Kumar Singh, the learned counsel for the informant and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in an FIR bearing Case Crime No. 788 of 2023, under Sections 420, 406, 467, 468, 471, 504, 506, 120-B IPC, Police Station Kotwali, District Barabanki.
3. The aforesaid case has been registered on the basis of an FIR lodged on 11.07.2023 against the applicant and one Ajay Kumar, stating that the applicant had purchased a plot of land from co-accuse Ajay Kumar and his name had been mutated in the revenue records in respect of the land in question. On 16.02.2021, the applicant had executed two sale deeds in favour of the applicant and his father, for two separate portions of the land in question and their names were mutated. Subsequently, the applicant got the sale deed dated 06.12.2019 executed by co-accused Ajay Kumar in his favour, cancelled by a decree passed on the basis of compromise.
4. In the affidavit filed in support of the application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and that he has no criminal history.
5. Sri Ram Kumar Singh, the learned counsel for the informant has vehemently opposed the anticipatory bail application and he has submitted that the compromise decree has been assailed by the informant by filing an application under Order 9 Rule 13 and operation of the compromise decree has been put in abeyance.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the grievance of the informant is regarding a compromise decree passed by the competent court and he has already filed an application for setting aside the decree and the matter is pending consideration of the competent civil court, I am of the view that the applicant is entitled to be granted anticipatory bail in the present case.

7. In view of the above, the anticipatory bail application of the applicant is ***allowed***. In the event of arrest/ appearance of applicant-***Avinash Maurya*** before the learned Trial Court in the aforesaid complaint case, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

Order Date :- 12.10.2023

Pradeep/-