

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2249 of 2023

Applicant :- Sonu

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

Counsel for Applicant :- Suresh Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Suresh Kumar Yadav, the learned counsel for the applicant as well as Sri Jayant Singh Tomar, the learned Additional Government Advocate-I appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.118 of 2022, under Sections 504, 506, 427, 420, 467, 468, 471, 34 I.P.C., registered at Police Station Fatehpur, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 03.04.2022 against six persons, including the applicant, in furtherance of an application under Section 156 (3) Cr.P.C. stating that the informant had purchased a piece of land from co-accused Mahesh Kumar through a sale deed dated 10.02.2016 but on 22.07.2016 another sale deed has been executed by Mahesh Kumar in favour of another co-accused Vijay Kumar. The F.I.R. alleges that the co-accused persons Mahesh Kumar, Anil Kumar and Kuldeep Kumar Verma and have prepared a forged sale deed and they want to usurp Rs.9,00,000/- of the informant. The applicant has been implicated in the present case because he was witness of the execution of the sale deed date 17.02.2016.

4. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is innocent and he has falsely been implicated in the present case. The applicant's involvement in one case bearing Case Crime No. 1881 of 2010 has been disclosed in para 7 of the affidavit, in which he has already been released on bail.

5. Learned counsel for the applicant has submitted that no civil suit has been filed by any of the parties.

6. Co-accused Vijay Kumar has already been granted bail by means of an order dated 22.08.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application No. 1836 of 2023.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that even as per the F.I.R. allegation after having sold away the land in question to the informant, the co-accused Mahesh Kumar had no transferable rights in the property and if the allegations are correct the applicant himself is a victim of an offence, coupled with the fact that the applicant has no criminal history and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

9. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Sonu** before the learned Trial Court in the aforesaid case crime, 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 :- 13.10.2023

Pradeep/-