

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 2236 of 2023

Applicant :- Ankur Sharma

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

Counsel for Applicant :- Prakhar Misra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Prakhar Misra, the learned counsel for the applicant as well as the learned Additional Government Advocate appearing on behalf of the State and Sri Syed Raza Mehndi holding brief of Sri Ashok Kumar Singh, learned counsel for the informant 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.223 of 2023, under Sections 406, 419, 420, 467, 468, 471, 506 I.P.C., registered at Police Station Wazeerganj, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 20.07.2023 against the applicant and his father-Shivshankar Sharma stating that the accused persons had executed a sale-deed in respect of a plot of land on 22.01.2021 for a sale consideration of Rs.1.2 Crore but subsequently the informant came to know that the accused persons had executed the sale-deed on the basis of forged documents. FIR further states that when the informant demanded refund of money, accused persons gave Rs.52 Lakh in 4-5 installments but they did not refund the balance amount.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case.

5. It has further been stated that the plot in question had been sold by the Lucknow Development Authority in favour of Smt Ranjana Sharma, mother of the applicant by means of a sale-deed dated 14.06.2000, which was duly registered. Although some dispute is going on between the Lucknow Development Authority and the Society but the sale deed executed by the Lucknow Development Authority in favour of the applicant's mother was never cancelled. After death of the applicant's mother, the applicant and his father became owner of the land

and they have rightly sold away the same to the informant.

6. The applicant's father-co-accused Shivshanker Sharma has already been granted bail by means of an order dated 22.08.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application u/S 438 Cr.P.C. No.1922 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. Prima facie it appears that the Lucknow Development Authority had executed the sale deed in favour of the applicant's mother, which sale deed has not been cancelled, therefore, it appears that the allegation leveled in the FIR that the applicant had executed the sale deed on the basis of some forged documents, appears to be incorrect.

9. Having considered the aforesaid facts and circumstances of the case 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.

10. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of applicant- **Ankur Sharma** 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;

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(Subhash Vidyarthi, J.)

Order Date :- 12.10.2023/-Amit K-