Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12209 of 2023

Applicant :- Awanish Pandey
Opposite Party :- State Of U.P. Thru. Prin.Secy. Home
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 Anurag Verma, 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. 535 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 and one unknown person, not including the applicant, stating that the informant had purchased a plot of land from co-accused Sanjay Singh Singhla, proprietor of Singhla Developers Ltd. in the year 2013 but possession of the land was not delivered to him.

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. Applicant's involvement in 10 other cases has been disclosed in para 21 of the affidavit, in all of which are of similar nature, and the applicant has been granted bail in two cases.

5. Copy of the sale-deed in question has been annexed with the affidavit, which categorically states that the possession was delivered to the informant.

6. The learned A.G.A. has opposed the prayer for 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 sale-deed in question was executed in the year 2013 and it states that possession of the land was handed over to the informant; that the FIR alleges non delivery of the possession and the alleged land has been delivered and the applicant is neither Director nor holds any principal position in the Company; 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.

8. Accordingly, this bail application stands ***allowed***.

9. Let the **applicant-**Awanish Pandey be released on bail in aforementioned case 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.

(Subhash Vidyarthi, J.)

Order Date :- 13.10.2023
prateek

Digitally signed by :-
PRATEEK ARORA
High Court of Judicature at Allahabad,
Lucknow Bench