

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12298 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 Virandra Kumar Arya, the learned counsel for the applicant, Sri Sanjay Maurya, the learned AGA for the State and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in an FIR bearing Case Crime No. 169 of 2023, under Sections 420, 406, 447, 427, 467, 468, 471, 120-B IPC, Police Station Kotwali City, District Barabanki.

3. The aforesaid case has been registered on the basis of an FIR lodged on 11.02.2023 against five persons, including the applicant, alleging that the informant had purchased, a plot of land from Singla Developers through a sale deed dated 18.03.2016 and a boundary wall was raised around the land purchased by him. When the informant went to his land in November, 2020, the boundary wall had been removed by some persons and some other persons present there claimed to have purchased the land through another sale deed.

4. The applicant has been implicated because he was a witness to the execution of the subsequent sale deed.

5. In the affidavit filed in support of the application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in 11 other cases have been disclosed in para 20 of the affidavit, in four of which the applicant has been granted bail.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that as per the averments made in the FIR, the applicant came to know about the subsequent sale deed in the month of November, 2020 and the FIR has been lodged on 11.02.2023 and there is no explanation for the delay; that the applicant had merely witnessed execution of the sale deed and he was neither executor nor the beneficiary

of execution of the sale deed and he is languishing in jail since 05.09.2023 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 applicants on bail in the aforesaid crime.

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

8. Let the applicant-***Awanish Pandey*** be released on bail in Case Crime No. 169 of 2023, under Sections 420, 406, 447, 427, 467, 468, 471, 120-B IPC, 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 :- 17.10.2023

Pradeep/-