

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12307 of 2023

Applicant :- Mujeeb

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

Counsel for Applicant :- Amrit Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Amrit Kumar Tiwari, learned counsel for the applicant, Sri Sanjay Maurya, learned A.G.A. for the State and Sri Shiv Shankar Verma, learned counsel for the informant and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.287 of 2023, under Sections 420, 467, 468, 471, 504, 506, 120B I.P.C., registered at Police Station Dewa, District Barabanki.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 14.04.2023 against the applicant and his wife, alleging that a sale deed was executed by the applicant's wife in favour of the informant a few years ago but the applicant kept on avoiding handing over physical possession of the land. Subsequently, the informant came to know that he has been duped. He demanded refund of money paid by him but the applicant declined the same.
4. Copy of the sale deed dated 19.07.2012 executed by the applicant's wife in favour of the informant has been annexed with the affidavit as Annexure-18, which categorically states that possession of the land sold to the informant, has been delivered to him.
5. 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.
6. The learned A.G.A. has opposed the prayer for bail and has pointed

out involvement of the applicant in five cases, which has been disclosed in para 22 of the affidavit filed in support of bail application.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that sale deed in question was executed on 19.07.2012 in which it is stated that the informant has been delivered the possession of the land; that no civil proceedings have been initiated by the informant against the applicant and the FIR has been lodged after more than 10 years; 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-Mujeeb** 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 :- 17.10.2023
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