

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12502 of 2023

Applicant :- Radheyshyam @ Munna

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

Counsel for Applicant :- Anurag.S.Kaalesh,Sachin Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Anurag Srivastava, the learned counsel for the applicant as well as Sri Rakesh Kumar Singh, the learned A.G.A for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.181 of 2023, under Sections 406, 419, 420, 467, 468, 471, 120-B IPC, Police Station Chinhath, District Lucknow.
3. The aforesaid case has been registered on the basis of an FIR lodged on 02.05.2023 against seven persons, including the applicant, alleging that the applicant and co-accused person Pappu Tiwari had introduced the informant to some farmers, who claimed that the land in question belonged to them and was free from encumbrances. The FIR alleges that the co-accused Ajay executed a conveyance deed, which was witnessed by Babloo and Ram Kaushal @ Arvind.
4. In the affidavit filed in support of the application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and that he has no criminal history.
5. The learned counsel for the applicant has submitted that two co-accused persons Babloo and Ram Kaushal @ Arvind, who have witnessed the execution of the sale deed, have been granted bail by means of orders dated 03.08.2023 passed by the sessions court, Lucknow and 11.09.2023 passed by this court in Criminal Misc. Bail Application No. 11054 of 2023, respectively.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant had merely introduced the informant

to the sellers; that the F.I.R does not disclose the date of execution of the sale deed in favour of the informant and it alleges that the land in question had already been sold in the year 2005; that although the property in question is a piece of land, strangely, F.I.R states that some other person has put a lock on the land which was in possession of the informant; that through the F.I.R, the informant has prayed for return of money for delivery of possession, which is a relief of civil nature and that two co-accused persons, who had witnessed execution of the sale deed have been granted bail in the present case and that the applicant has no criminal history and he is languishing in jail since 06.09.2022, I am of the view that the applicant is also entitled to be released on bail.

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

8. Let the applicant- **Radheyshyam @ Munna** be released on bail in the aforesaid 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 :- 27.10.2023

Preeti.