

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12617 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 Virendra Kumar Arya, the learned counsel for the applicant as well as Sri Virendra Kumar, 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. 1357 of 2022, under Section 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 F.I.R. lodged on 21.12.2022, alleging that the informant had purchased a plot of land from the applicant on 28.08.2015 but she was not delivered possession of the plot.
4. A copy of the sale deed annexed with the affidavit filed in support of the bail application, indicates that the applicant was a witness to execution of the sale deed.
5. In the affidavit filed in support of the bail 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 has been disclosed in para 21 of the affidavit, in 6 of which the applicant has already been granted bail.
6. The learned A.G.A. has opposed the prayer of the 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 the applicant was merely a witness to the execution of the sale deed executed on 28.08.2015 and the grievance of the informant in the F.I.R lodged on 21.12.2022 is regarding non delivery of the possession in

furtherance of the sale deed executed about more than 7 years ago and the applicant was not liable to handover possession to the informant and without making any observations 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.

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

9. Let the **applicant- Awanish Pandey** 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 the 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 :- 28.10.2023
Preeti.