

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12664 of 2023

Applicant :- Sharafat Ali

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

Counsel for Applicant :- Sachin Chaturvedi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Sachin Chaturvedi, learned counsel for the applicant, Sri Amitabh Chaturvedi, 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. 0795 of 2023, under Sections 420, 406, 467, 468, 471, 504, 506 I.P.C., registered at Police Station Kotwali, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 13.07.2023 against two Directors of Yazdan Infrakan Private Limited and 3-4 other persons, stating that the informant had purchased a flat from the accused persons in August, 2020 for a sale consideration of Rs.85,00,000/-. Possession of the flat was not delivered and the building was demolished in the year 2022, as the construction was raised without sanction and building plan.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history. Applicant's involvement in 9 other cases of similar nature has been disclosed in para 45 of the affidavit and in para 3 of the supplementary affidavit. The applicant has been granted bail in three cases and in two cases the investigating officer has submitted final reports. Co-accused Sayem Yazdani has been granted bail by means of the order dated 12.10.2023 passed in Criminal Misc Bail Application No.11966 of 2023.

5. Learned counsel for the applicant has submitted that the present FIR has been filed to pressurize the applicant to pay money to the

informant, for recovery of which, no proceedings has been initiated by 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 the applicant is languishing in jail since 27.05.2023 whereas a co-accused has been granted bail and no proceeding for recovery of money has been initiated by the informant 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-Sharafat Ali be released on bail in Case Crime No. 0795 of 2023, under Sections 420, 406, 467, 468, 471, 504, 506 I.P.C., registered at Police Station Kotwali, 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.

(Subhash Vidyarthi, J.)

Order Date :- 1.11.2023
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