

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2420 of 2023

Applicant :- Shatrohan Lal

Opposite Party :- State Of U.P. Thru. Secy. Home Deptt. And Another

Counsel for Applicant :- Anil Kumar Awasthi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Anil Kumar Awasthi, the learned counsel for the applicant as well as Anurag Verma, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.312 of 2022 under Section 420 IPC, Police Station Kotwali Dehat, Sitapur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 02.07.2022 against four persons, including the applicant, stating that the applicant had agreed to purchase the informant's land for Rs.1.1 corers, however, he got the sale deed executed wherein the sale consideration was mentioned as Rs.9.5 Lacks only whereas stamp duty paid on the sale deed was Rs.4.95 Lakh. Even against the aforesaid sale consideration of Rs.9.5 Lakh, merely Rs.10,000/- were deposited in the informant's bank account.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case.

5. Learned counsel for the applicant has submitted that co-accused Brij Kishore, who has witnessed the execution of sale-deed and another co-accused, Vinay Kumar, who has acted as a Mediator in settlement of the deed, have been granted bail by means of the orders

dated 04.10.2023 and 30.10.2023 passed in CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. Nos. - 2143 of 2023 and 2404 of 2023 respectively.

6. The learned A.G.A. has opposed the prayer for bail and has submitted that investigation is going on, and at this stage, grant of anticipatory bail to the applicant will adversely affect the investigation.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that allegation against the applicant is of having purchasing property of the informant of which market value is Rs.70.68 Lakh and the stamp duty is Rs.4.95 Lakh but the sale consideration mentioned in the sale deed is merely Rs.9.50 Lakh even that minuscule amount has not been paid by the applicant and he has paid merely Rs.10,000/- towards the sale consideration and has thus grabbed valuable property of the informant say for peanuts, I am of the view that the aforesaid facts do not warrant exercise of discretion of this Court by enlarging the applicant on anticipatory bail.

8. So far as question of of claim of anticipatory bail on the ground of parity is concerned, the allegation against the accused persons, who have been granted anticipatory bail, was of having witnessed execution of the sale-deed and coming as mediator and there is no allegation of commission of offence by those persons or they having received any benefit out of the transaction.

9. In view of the aforesaid discussion, the anticipatory bail application of the applicant is **rejected**.

Order Date :- 31.10.2023
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