

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2421 of 2023

Applicant :- Nasrat Ali

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

Counsel for Applicant :- Vijay Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vijay Kumar Mishra, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate-I 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.102 of 2023, under Sections 419, 420, 467, 468 and 471 I.P.C., registered at Police Station Bazar Shukul, District Amethi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 19.05.2023 against two named persons and unnamed witnesses stating that co-accused Sharif has executed five sale-deeds and one of the sale-deeds dated 17.12.2019 was executed in favour of the informant transferring property in excess of the property that remained with the seller for being sold. The applicant has been implicated merely because he was one of the witnesses of execution of the sale-deed.

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

5. The learned A.G.A.-I has opposed the prayer for anticipatory

bail application and he has submitted that non-bailable warrant has been issued against the applicant on 13.10.2023.

6. The applicant's anticipatory bail application was rejected by the Sessions Court on 10.10.2023 and the applicant has given notice of the present application on 26.10.2023. Therefore, I am of the view that issuance of non-bailable warrant would not create a bar in exercise of discretion of this Court in entertaining the application and examining its merits.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the only allegation against the applicant is of having witnessed execution of the sale-deed, which has been executed in respect of an area exceeding the area that remained with the seller; that the applicant has not received any benefit from execution of the sale-deed and he has no criminal history and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant- Nasrat Ali** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness;

Order Date :- 31.10.2023

KR