

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12786 of 2023

Applicant :- Puneet Gautam

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

Counsel for Applicant :- Ajeet Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ajeet Kumar Singh, the learned counsel for the applicant, Sri J.S. Tomar, the learned A.G.A.-I 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. 0160 of 2023, under Sections 419, 420, 467, 468, 471, 120-B I.P.C., registered at Police Station Kursi, District Barabanki.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 26.06.2023 against three persons, not including the applicant, alleging that the accused persons had sold their entire land to the informant through two sale deeds dated 02.09.2018 and 16.06.2015, but thereafter they executed another sale deed in respect of the same land in favour of the applicant.
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.
5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
6. Having considered the aforesaid facts and circumstances of the case, prima facie it appears that the applicant himself is a

victim of the fraud committed against him as the seller already having sold the property in question, the applicant did not get any benefit in spite of having paid the amount of sale consideration. Keeping in view the aforesaid facts, coupled with the fact that the applicant has no previous criminal history and he is languishing in jail since 17.09.2023 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.

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

8. Let the **applicant-Puneet Gautam** 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 :- 31.10.2023

Ram.