

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12820 of 2023

Applicant :- Sayem Yazdani

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

Counsel for Applicant :- Shobhit Harsh, Jatin Raheja, Ram

Shubham, Shakti Kumar Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shobhit Harsh, learned counsel for the applicant, Sri Anant Pratap Singh, 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. 155 of 2023, under Sections 120-B, 419, 420, 467, 468 & 471 I.P.C., registered at Police Station- Hazratganj, District- Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged by an *Amin* posted in *Nazul* Department of Lucknow Development Authority on 01.05.2023 against eight persons, including the applicant, alleging that the land in question was entered in the name of purchaser on 14.07.1944 and it was divided into two parts without requisite permission of the *Nazul* Officer and thereafter, it was sold away to two different persons through sale deed dated 16.03.1964 and 15.06.1965. An explanation was called in this regard by means of a notice dated 20.10.1975, but no reply to the notice was received. After death of Vimla Devi, her heirs have sold away the land to Yazdan Infracon Pvt. Ltd. through a sale deed dated 08.06.2015 and the applicant is one of the directors of the aforesaid company.

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. The applicant's involvement in 14 other cases has been disclosed in para 98 of affidavit and in six of which, he has been granted bail.

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 and keeping in view the fact that partition of the land took place prior to 1964 and the allegation against the applicant is merely of being director of a company, which company has purchased the portion of the land through a sale deed dated 08.06.2015; that the applicant is languishing in jail since 07.10.2023 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- Sayem Yazdani** 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 :- 1.11.2023
Gurpreet Singh