

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2466 of 2023

Applicant :- Ranjan Bhargava

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

Counsel for Applicant :- Santosh Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Santosh Kumar Tripathi, the learned counsel for the applicant, Sri Anant Pratap Singh, the learned AGA for the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in Case Crime No. 401 of 2022, under Sections 352, 406, 504, 506 IPC, Police Station Nawabganj, District Gonda.
3. The aforesaid case has been registered on the basis of an FIR lodged on 08.01.2022 against the applicant and his father Rama Kant Bhargava, stating that the informant had entered into an agreement on 04.07.2022 to purchase the land of the applicant's father for Rs. 40 lakh and he had paid the entire sale consideration in four installments but later on the applicant's father resiled from the agreement. A cheque for Rs. 9,90,000/- given towards partial refund of the consideration amount was dishonored by the bank.
4. In the affidavit filed in support of the application, it has been stated that the applicant is innocent and he has no previous criminal history.
5. It has further been stated that the informant has already filed a complaint under Section 138 of the Negotiable Instrument Act.
6. The unregistered agreement to purchase the property was executed on a stamp paper worth Rs. 10/-, which is an inadmissible evidence.
7. The learned counsel for the applicant has submitted that a co-accused Rama Kant Bhargava, has been granted bail by this Court by means of an order dated

21.09.2023 passed in Criminal Misc. Anticipatory Bail Application No.2064 of 2023.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that no registered agreement was executed regarding purchase of the property; that a complaint under Section 138 N.I. Act has already been filed by the informant and that the applicant has no previous criminal history and his father has already been granted anticipatory bail, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

9. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant- **Ranjan Bhargava** before the learned Trial Court in the aforesaid case, 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.

(Subhash Vidyarthi,J.)

Order Date :- 2.11.2023

Preeti.