

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13098 of 2023

Applicant :- Jagat Narain Shukla

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

Counsel for Applicant :- Sachindra Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Sachindra Dwivedi, the learned counsel for the applicant as well as Sri Gyanendra Singh, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 768 of 2022, under Section 420, 467, 468, 471 I.P.C., registered at Police Station Kotwali Nagar, District Barabanki.
3. The aforesaid case has been registered on the basis of F.I.R. lodged by Property Manager of Uttar Pradesh Awas Vikas Parishad against the applicant and his wife, alleging that some shops were allotted to the applicant and his wife in the year 2016 and sale deed in respect thereof were executed in the years 2019 and 2020 and physical possession of the shops were also handed over to the purchasers. The sale deeds were obtained on the strength of fake receipts for deposits of sale consideration.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in 6 other cases has been disclosed in para 20 of the affidavit, in 2 of these cases, the applicant has already been granted bail and in one case the investigating officer has submitted a final report.
5. The learned counsel for the applicant has submitted that the applicant has paid the entire sale consideration and the sale deeds were executed after verification of the same and that the F.I.R has been filed belatedly.
6. The learned A.G.A. has opposed the prayer of the bail, but he could not

dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that that dispute is regarding payment of sale consideration of some shops and there appears to be no reasonable apprehension of the applicant absconding under process of law and without making any observations 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.

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

9. Let the applicant- **Jagat Narain Shukla** 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 the 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 :- 6.11.2023

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