

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13200 of 2023

Applicant :- Akhilesh Singh

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

Counsel for Applicant :- Alok Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard learned counsel for the applicant, learned AGA as well as learned counsel for the informant, who has put in appearance and filed the counter affidavit opposing the anticipatory bail application.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.0523 of 2023, under Sections 323, 504, 506, 420, 406, 467, 468 and 471 IPC, Police Station - Kotwali, District - Unnao.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.07.2023 against three persons, including the applicant, alleging that the informant had approached co-accused Kedar Singh for purchasing a land and the applicant had introduced him to his nephew-the applicant Akhilesh Singh and had told that the applicant wants to sell his land, which is free from all encumbrances. The sale-deed was registered on 14.11.2019 and another co-accused person, Subham Singh had witnessed execution of the sale-deed. Mutation in furtherance of the sale-deed was also carried on.

4. When the informant went on land No.1317 for raising constructions on an undisclosed date, she came to know that the accused persons have already sold the land through a previous sale-deed dated 09.09.2015.

5. In the affidavit filed in support of the application, it has been stated that plot no. 1317 had been mentioned in the sale deed erroneously whereas the deal was for sale of land bearing khasra no. 1316. It has further been stated that the applicant had offered the informant to get the correction deed executed or to take the refund of the sale consideration but he did not agree to any of the offers and filed an FIR.

6. In the affidavit filed in support of 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.

7. Co-accused Kedar Singh has already been granted bail by means of an order dated 12.09.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application No. 1992 of 2023.

8. The dispute prima facie appears to be pre-dominantly of civil nature and prima facie it appears that informant has taken recourse to prosecution of the accused persons with a view to put pressure on them so as to make them enter into a settlement with the informant thereby redressing the civil grievances of the informant and avoiding initiating civil proceedings for enforcement of civil right, thus evading of payment of court fee, which would be utilized for benefit of the public at large. Prima facie it appears that it is the informant herself, who is misusing the criminal law proceedings for enforcement of civil rights by evading payment of court fee and is thereby cheating the public at large.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that, prima facie, the dispute appears to be predominantly of a civil nature and co-accused person has already been granted bail; that applicant has no criminal history and he is languishing in jail since 12.08.2023, I am of the view that the aforesaid facts are sufficient for making out a case for grant of anticipatory bail to the applicant.

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

11. Let the applicant-***Akhilesh Singh*** 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.

Order Date :- 7.11.2023

Pradeep/-