

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13173 of 2023

Applicant :- Anil Mishra

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

Counsel for Applicant :- Piyush Shrivastava, Suchita Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Piyush Srivastava, learned counsel for the applicant, Sri J.S. Tomar, 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 F.I.R./Case Crime No. 0448 of 2019, under Sections 419, 420, 467, 468 and 471 I.P.C., registered at Police Station Chinhath, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 14.05.2019 against nine persons, including the applicant, alleging that the informant has executed a sale deed in favour of his nephew and the properties are looked after by his nephew. He has stated that some other person has executed sale deeds in respect of his properties.

4. In the affidavit filed in support of 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 two other cases has been disclosed in para 21 of the affidavit, in one of which he has been granted bail and in another case he has not been summoned till date. It has further been stated that the informant had filed eight suits for cancellation of the eight sale deeds and seven suits have been dismissed by ex-parte judgments, copies whereof have been annexed with the affidavit

filed in support of the application. The suit for cancellation of one of the sale deeds is pending consideration.

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 the civil court has find no good ground to set aside the offending sale deeds, coupled with the fact that the applicant is languishing in jail since 03.06.2023 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- Anil Mishra** 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 :- 7.11.2023
Ram.