

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13279 of 2023

Applicant :- Amit Yadav @ Raghunath Yadav

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

Counsel for Applicant :- Rakesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rakesh Kumar, learned counsel for the applicant, Sri Gyanendra 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.449 of 2021, under Sections 419/420/406/147/467/468/471/504/506/120-B I.P.C., registered at Police Station Gomti Nagar, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 14.12.2021 against 9 accused persons, not including the applicant and an unknown person stating that the co-accused Tribhuvan Singh Vora had offered to sell a plot of land to the informant and the informant had paid him Rs.25,00,000/- but neither the land was transferred to him nor was the money refunded.
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 and he has no previous criminal history. The applicant has been implicated in the present case on the basis of statement of a co-accused Ranjit Kumar Yadav. One of the named co-accused person Shiv Kumar @ Gulshan has has been granted bail in the present case by means of an order

dated 15.04.2023, passed by the learned Sessions Court, Lucknow.

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 applicant is not named in the F.I.R.; that a named co-accused has already been granted bail coupled with the fact that the applicant has no previous criminal history and he is languishing in jail since 08.04.2023 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-Amit Yadav @ Raghunath Yadav** 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 :- 8.11.2023
Ram.