

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13448 of 2023

Applicant :- Rakesh Singh @ Rakesh Kumar Singh

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

Counsel for Applicant :- Shailendra Kumar Misra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Shailendra Kumar Misra, learned counsel for the applicant, Sri Anurag Verma, the 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 FIR/Case Crime No. 751 of 2019, under Sections 419, 420, 467, 468, 471 and 120-B I.P.C., registered at Police Station Chinhat, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 03.08.2023 against four persons including the applicant stating that the applicant had executed a sale deed in favour of the informant on 04.04.2013 and the informant's name was mutated as owner of the land in question. On 10.06.2013 when the informant had gone to raise construction on the purchased land on 12.02.2014 another person claimed that he had purchased land from the applicant and he can show him the sale deed.

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 12 other cases has been disclosed in para 22 of the affidavit filed in support of the application, in ten of which the applicant has been granted bail.

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 land was purchased by the informant on 04.04.2013, mutation of his name was carried out on 10.06.2013 and another person claimed to have purchased the land in question on 12.02.2014; that even as per the F.I.R. averments that other person has not shown his sale deed to the informant and the informant has not ascertained as to whether any sale deed has actually been executed in respect of the property that was purchased by him from the applicant; that the applicant claims that the other sale deed has been executed in respect of the another piece of land having different boundaries and that the applicant is languishing in jail since 14.07.2022 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-Rakesh Singh @ Rakesh Kumar 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.

(Subhash Vidyarthi, J.)

Order Date :- 9.11.2023
Ram.