

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2612 of 2023

Applicant :- Suresh Kumar Agarwal And 2 Others

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

Counsel for Applicant :- Pradeep Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Pradeep Kumar Shukla, the learned counsel for the applicants as well as Sri Arpit Kumar, the learned Additional Government Advocate appearing on behalf of the State, Sri Anand Pal Singh, the learned counsel for the informant and perused the records.

2. The instant application has been filed by the applicants seeking anticipatory bail in F.I.R. bearing Case Crime No. 368 of 2022, under Sections 419, 420, 467, 468, 471, 506 IPC, Police Station Kotwali Nagar, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 02.06.2022 against six persons, including the applicants, stating that the informant's grandfather had died about 55 years ago but his name continued to be recorded in the revenue records in respect of the land in question. On 04.12.2021, the applicant got a sale deed executed in his favour in respect of the land belonging to the informant's grandfather by setting up some imposter in his place. The applicant nos. 2 & 3 had witnessed the execution of the sale deed.

4. In the affidavit filed in support of the application it has been contended that the applicants are innocent, they have falsely been implicated in the present case and that they have no criminal history.

5. A suit No. 373 of 2022 for cancellation of the sale deed has already been filed in the competent court and the same is pending.

6. The learned A.G.A. and the learned counsel for the informant have vehemently opposed the prayer for bail and they have submitted that applicant no. 1 is the beneficiary of fraudulent execution of the sale deed in respect of the land belonging to informant's ancestors.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that a suit regarding cancellation of the sale deed is pending consideration and that the applicants have no criminal history and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicants during pendency of the trial.

8. In view of the above, the anticipatory bail application of the applicants is allowed. In the event of arrest/ appearance of applicants-**(i) Suresh Kumar Agarwal, (ii) Zuber Asif Farukhi & (iii) Asheesh Kumar Agarwal** before the learned Trial Court in the aforesaid case crime, they shall be released on anticipatory bail during pendency of the trial on their furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicants shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicants shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicants shall not pressurize/ intimidate the prosecution witness.

Order Date :- 9.11.2023

Pradeep/-