

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13471 of 2023

Applicant :- Ajay Kumar

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

Counsel for Applicant :- Vivek Kumar Singh, Priya Singh, Trivendra Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Vivek Kumar Singh, the learned counsel for the applicant, Sri Sahunak Singh, the learned A.G.A.-I for the State as well as Sri Sanjeev Kumar Lodhi, the learned counsel for the informant and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.181 of 2023, under Sections 406, 419, 420, 467, 468, 471 IPC, Police Station Chinhat, District Lucknow.

3. The aforesaid case has been registered on the basis of an FIR lodged on 02.05.2023 against seven persons, including the applicant, alleging that the co-accused persons Pappu Tiwari and Munna had introduced the informant with some farmers, including the applicant, who claimed that the land in question belongs to them and was free from encumbrances. The FIR alleges that the applicant executed a conveyance deed, which was witnessed by Ram Kaushal @ Arvind and Babloo.

4. In the affidavit filed in support of the application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and that he has no criminal history.

5. Two co-accused persons, namely, Babloo and Ram Kaushal @ Arvind, who have witnessed the execution of the sale deed, have been granted bail and copies of their bail orders have been annexed as Annexure No. 3 to the affidavit filed in support of the bail application.

6. The learned A.G.A. has opposed the prayer of the bail, but he could not

dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the sale deed in question was executed and duly registered on 06.04.2022 and the F.I.R has been lodged on 02.05.2023 i.e after about one year and one months; that the informant has prayed in the F.I.R for return of her money or land, which relief is of a civil nature for which no civil proceedings have been instituted by the informant; that two co-accused persons, who have witnessed the execution of the sale deed, have already been granted bail in the present case, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 16.07.2023, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicants on bail in the aforesaid crime.

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

9. Let the applicant- **Ajay Kumar** 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 :- 17.11.2023

Preeti.