

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13569 of 2023

Applicant :- Amit Kumar @ Amit Maurya

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

Counsel for Applicant :- Anil Kumar Pandey, Amit Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Anil Kumar Pandey, learned counsel for the applicant, Sri Jayant Singh Tomar, learned A.G.A. for the State and Sri Indrapal Singh, learned counsel for the informant and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.172 of 2023, under Sections 409, 420, 504, 506 I.P.C., registered at Police Station Vibhuti Khand, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 05.04.2023 alleging that the the informant is a businessman and a Director of a company. The informant and some other persons known to him, wanted to purchase some land and they contacted the applicant, who told that he has entered into an agreement to purchase the land and he expected to get the registered deed executed in a short while. The informant paid Rs.50 Lakh through check for purchasing the land in October, 2022 and thereafter Rs.30 Lakh were paid on 31.10.2022. Another person has made payment for purchase of land of the applicant through the informant. Some further amount was also paid to the applicant, however, the land was not transferred to the informant and other person. When he demanded return of money, his money was not refunded. The informant has stated in the FIR that the FIR was being lodged with the object of getting refund of the money paid by him.

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. Applicant's involvement in 2 other cases has been disclosed in the para 19 of the affidavit.

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 informant claims himself to be a businessman and director of a company and he has allegedly made payments for purchase of immovable property without execution of any registered agreement; that apparently the FIR has been lodged claiming refund of the money paid by the informant but no civil proceeding has been initiated by him; that the applicant is languishing in jail since 19.08.2023 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 Kumar @ Amit Maurya be released on bail in aforementioned 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
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