

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13536 of 2023

Applicant :- Surendra Kumar Pathak

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

Counsel for Applicant :- Arvind Kumar Verma, Diwakar Nath Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Arvind Kumar Verma, the learned counsel for the applicant, Sri Anant Pratap Singh, the learned AGA for the State and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 1123 of 2019, under Sections 419, 420, 467, 468, 471, 406, 120B, 506 IPC, Police Station Chinhath, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.11.2019 against three persons, including the applicant, stating that the informant is a Director of VRONE Infra Pvt. Ltd. He had purchased a plot of land through the applicant and co-accused who had introduced him to the seller in February, 2017 and a sale deed was executed on 18.03.2017. The applicant and co-accused had taken Rs. 75 lakh in cash for sale of some other lands. They had paid 5 cheques of Rs. 15 lakh each, which were returned by the bank unpaid. On 28.04.2018, when the informant went to carve out plots on the land purchased, it transpired that the sale deed had been executed by some imposter.

4. The applicant's involvement in two other cases has been disclosed in para 26 of the affidavit filed in support of the affidavit filed in support of the bail application.

6. The learned A.G.A. has opposed the prayer for 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 only allegation against the applicant is of having introduced the purchaser to the seller; that the sale deed in question was executed on 18.03.2017 and the informant claims to have come to know that the sale deed had been executed by some imposter, on 28.04.2018, yet the FIR had been lodged on 12.11.2019; that the informant claims that the applicant and the co-accused Surendra Kumar Pathak have given him cheques for Rs. 75 lakh, which have been returned by the bank unpaid and the FIR in respect of the aforesaid offence appeared to be barred by Section 142 of the

Negotiable Instrument Act and that the applicant is languishing in jail since 22.08.2023 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 case.

8. Accordingly, this bail application stands allowed.

9. Let the applicant-Surendra Kumar Pathak 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
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