

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13982 of 2023

Applicant :- Jitendra Shukla @ Jitendra Prasad Shukla

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

Counsel for Applicant :- Kaushal Kishore Tewari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Kaushal Kishore Tewari, the learned counsel for the applicant, Sri Anurag Verma, learned A.G.A.-I for the State, Sri I.D.Shukla, learned counsel for informant-complainant and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 356 of 2023, under Sections 419, 420, 467, 468, 471 I.P.C., registered at Police Station Ram Nagar, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 23.06.2023 against the applicant and his son Amar Nath Shukla alleging that the applicant had got his name mutated in respect of land of the informant's father by falsely showing him who have died intestate. Upon the informant's contest, the applicant's name has been scored out from the revenue records and the informant's name has been reentered therein. In spite of the aforesaid fact, the applicant has entered into a registered agreement to sell dated 06.05.2023 in favour of one Shan Mohammad. The applicant's son has witnessed execution of the agreement and he is also involved in commission of offence.

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 and he has no previous criminal history.

5. The informant has filed counter affidavit opposing the bail application and from the averments made therein, it appears that there is property dispute going on between the parties.

6. The learned A.G.A. has also opposed the prayer for bail and on the basis of instructions, he has submitted that the applicant's

name was scored out from the revenue records by means of an order dated 03.01.2023 and his name was not recorded as owner of the property in question on the date of execution of the agreement. However, execution of the aforesaid order was carried out after execution of the agreement to sell on 19.06.2023.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that a litigation regarding title of the property in question is going on between the parties; that the order for deletion of applicant's name was passed ex parte and the applicant has already filed an application for setting aside of the ex parte order, that execution of the ex parte was not carried out till the date of execution of the agreement; that the agreement itself states that possession of land in question had not been delivered thereunder and, therefore, the title and possession of the property remains unaffected by execution of agreement to sell 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.

8. Accordingly, this bail application stands allowed.

9. Let the applicant- **Jitendra Shukla @ Jitendra Prasad Shukla** 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.

Order Date :- 28.11.2023

Renu/-