

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 2730 of 2023

Applicant :- Vinod Kumar Singh

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

Counsel for Applicant :- Shivendra Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. The advocates are abstaining from judicial work today. However, as the question of personal liberty of the applicants is involved in the present case, I proceed to examine the merits of the case after perusal of record and with the assistance of the learned A.G.A Sri Anant Pratap Singh.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 332 of 2023, under Sections 419, 420, 467, 468, 471, 120-B I.P.C., registered at Police Station Gomti Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 02.06.2023 against four persons, including the applicant, stating that a complaint was received by Lucknow Vikas Pradhikaran on 20.10.2022 alleging that 17 plots had been transferred on the basis of forged registration of deeds. It was found that the deed regarding plot no. F-342 was not registered in the Registrar's office whereas in the documents of Lucknow Development Authority, the same is recorded having been allotted and registered in the name of the applicant. The applicant has transferred the land to co-accused Amit Kumar Yadav.

4. A copy of the allotment letter dated 24.02.1988 issued by the Lucknow Development Authority in favour of the applicant, on lease deed executed by the Lucknow Development Authority in his favour and of the relevant extract of property registered maintained by the Lucknow Development Authority have been annexed with the affidavit, in all which the applicant's name is recorded. All the three other co-accused persons have filed writ petition in this court challenging validity of the F.I.R and interim orders have been passed staying

their arrest, copies thereof have been filed as Annexure No. 5 to the affidavit filed in support of the bail application.

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 that prima facie it appears that an allotment letter had been issued by the Lucknow Development Authority in favour of the applicant and a lease deed was also executed in his favour and as arrest of the other three co-accused persons has already been stayed and the applicant has no criminal history, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

7. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of applicant- **Vinod Kumar Singh** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his 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 applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant 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 applicant shall not pressurize/ intimidate the prosecution witness;

(Subhash Vidyarthi, J.)

Order Date :- 1.12.2023
Preeti.