

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2690 of 2023

Applicant :- Ram Bhavan

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

Counsel for Applicant :- Ashish Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ashish Kumar Singh, the learned counsel for the applicant, Sri Rakesh Kumar Singh, the learned AGA for the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in Case Crime No. 21 of 2022, under Sections 419, 420, 467, 468., 471 and 120-B IPC and Section 7A P.C.Act, Police Station S.I.T, District Lucknow.

3. The aforesaid case has been registered on the basis of an FIR lodged on 07.11.2022 against seven persons, not including the applicant, alleging that named accused Salikram Singh had executed a sale deed in respect of informant's property on 04.08.2022 after getting his name mutated on the strength of forged documents.

4. During investigation, it came to light that prior to execution of the aforesaid sale deed, Salikram Singh had executed an agreement to sell in favour of one Om Prakash on 17.05.2021 and the applicant had witnessed the execution of the aforesaid agreement.

5. In the affidavit filed in support of the application, it has been stated that the applicant is innocent and he has no criminal history. Co-accused Pawan Kumar has been granted anticipatory bail by this Court by means of the order dated 09.11.203 passed in CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No.2598 of 2023

6. Learned A.G.A. has opposed the prayer for bail and he has submitted that investigation of the case is still pending and the applicant's complicity is prima facie established from the material collected till date.

Learned A.G.A. has further submitted that the applicant had been issued a notice calling him to appear and get his statement recorded on 21.09.2023 but he did not appear for recording of his statement.

7. Learned counsel for the applicant has submitted that the applicant

will cooperate with the investigation.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view of the fact that the applicant is not named in the FIR and he has been implicated merely because he had witnessed execution of an earlier agreement to sell by co-accused Salikram Singh, title was not transferred in furtherance of which agreement, and a co-accused has been granted anticipatory bail and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

9. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of applicant-Ram Bhavan before the learned Trial Court in the aforesaid complaint case, 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;

(Subhash Vidyarthi, J.)

Order Date :- 23.11.2023
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