

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13992 of 2023

Applicant :- Awanish Pandey

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

Counsel for Applicant :- Virendra Kumar Arya

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Virender Kumar Arya, learned counsel for the applicant, Sri Jayant Singh Tomar, learned A.G.A.-I for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.1359 of 2022, under Sections 420, 406, 467, 468, 471, 109 I.P.C., registered at Police Station Kotwali City, District Barabanki.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 21.12.2022 against one Sanjay Singh Singla, alleging that the informant had purchased a plot of land from the named accused person on 28.08.2015 but possession of the land was not delivered to the applicant. The applicant has been implicated subsequently because he had witnessed the execution of the sale deed.
4. The applicant's involvement in ten other cases of similar nature has been disclosed in para 21 of the affidavit in nine of which he has already been granted bail.
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 sale deed in question was executed on 28.08.2015 whereas the FIR alleging non delivery of possession has been filed on 21.12.2022; that apparently the informant has not instituted any proceedings for recovery of possession of land in question and that the applicant is not the executant of the sale deed and he has been implicated merely because he had witnessed its execution 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-**Awanish Pandey** 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.

Order Date :- 28.11.2023

Renu/-