

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2737 of 2023

Applicant :- Amit Agarwal

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

Counsel for Applicant :- Siddhartha Sinha, Arun Sinha, Hemant
Kumar Pandey, Mohammad Zeeshan Lari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Siddhartha Sinha, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, the learned Additional Government Advocate appearing on behalf of the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.0817 of 2023, under Sections 419, 420, 467, 468, 471, 120-B I.P.C., registered at Police Station Kotwali, District Gonda.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 15.09.2023 against seven persons, including the applicant, alleging that three registered agreements have been executed in respect of government land by private persons and two of the agreements have been executed in favour of the applicant.
4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent and he has falsely been implicated in the present case.
5. The applicant's involvement in two other cases has been disclosed in para 23 of the affidavit in which he has been granted bail.
6. Learned counsel for applicant has submitted that upon coming to know about the fact that the executant of the agreement was not the owner of the land, the applicant has already filed a suit for cancellation of agreement on 25.09.2023 and he has also filed an application under Section 156 (3) Cr.P.C. against the executant of the agreement.
7. The learned A.G.A. has opposed the prayer for bail but he

could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the title of the land has not been transferred in the agreement and immediately upon coming to know that the executant of the agreement was not the owner of the land, the applicant has filed a suit for cancellation of agreement and application under Section 156 (3) Cr.P.C against the executant 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-**Amit Agarwal** 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.

Order Date :- 29.11.2023

Renu/-