

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14080 of 2023

Applicant :- Vishal Rao Chandel

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home Lko.

Counsel for Applicant :- Indra Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Vakaltnama filed by Sri Brij Mohan Sahai, learned counsel is taken on record.
2. Heard Sri Brij Mohan Sahai, learned counsel for the applicant, Sri Sanjay Maurya, learned A.G.A. for the State and perused the records.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No.174 of 2023, under Sections 406, 420, 409, 467, 468, 471, 120B I.P.C., registered at Police Station Satrikh, District Barabanki.
4. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01.05.2023 against three persons, including the applicant, describing him as Director of Stalin Infra Developers Private Ltd., alleging that the applicant had purchased a plot from the applicant's company on 18.03.2015 but possession of the land was not delivered to him.
5. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, and he has been falsely implicated in the present case. Applicant's involvement in 5 other cases has been disclosed in para 14 of the affidavit in which the applicant has already been granted bail.
6. Settlement letter has been annexed with the affidavit as Annexure-7, as per which possession of the land has already been handed over to Roma Yadav and the learned counsel for the applicant submits that Roma Yadav is wife of the informant. It is further mentioned in the aforesaid letter that Roma Yadav and her husband, Ram Pratap Yadav

(the informant) do not want continuance of the any legal proceedings against Stalin Infra Developers Ltd.

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 land in question has been purchased by the informant on 18.03.2015; that as per the applicant sale deed was executed in favour of the informant's wife on 06.04.2015; grievance of the informant is regarding non delivery of the possession and the applicant has claimed that possession of the land has already been delivered, even otherwise grievance of the informant *prima facie* appears to be predominantly of civil nature; that the applicant is languishing in jail since 07.10.2023 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.

9. Accordingly, this bail application stands **allowed**.

10. Let the **applicant-Vishal Rao Chandel** 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.

(Subhash Vidyarthi, J.)

Order Date :- 30.11.2023
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