

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14139 of 2023

Applicant :- Rishabh Shukla

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

Counsel for Applicant :- Shailendra Pratap Singh, Anadi Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Anadi Kumar Singh, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, the learned A.G.A. for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 271 of 2023, under Section 420, 467, 468, 471, 406, 506 I.P.C, registered at Police Station Safdarganj, District Barabanki.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 06.07.2023 against three persons, including the applicant, stating that the informant is a Cardiologist working in a hospital at Lucknow. His patient- co-accused Anil Yadav had introduced him to the applicant. The informant established a firm in the name of R.R. Realtors along with the applicant. The informant alleged that the applicant had told about a land worth Rs. 1.75 Crore for purchasing which the informant paid Rs. 15 lakhs through R.T.G.S and he paid Rs. 10 lakhs more in an undisclosed manner. The applicant got prepared an agreement to purchase the land on 16.06.2022. The F.I.R itself states that the applicant himself did not know the identity of the land sought to be purchased from the other co-accused person Neelmani Srivastava and he stated that there were vast land of Neelmani Srivastava and he would get the land in question identified by him. Later on, the informant suspected that he had been duped by the applicant.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and

he has no criminal history.

5. The learned A.G.A. has opposed the prayer of the 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 from the allegations levelled in the F.I.R itself, prima facie it appears that the informant was carrying out a business by forming a firm in partnership with the applicant; that although the F.I.R alleges regarding an agreement to purchase some immovable property, the agreement has been executed on a stamp paper worth Rs. 100 only and it has not been registered and, therefore, it is not admissible in evidence; the dispute predominantly appears to be a business dispute amongst partners of a firm, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 14.10.2023 and without making any observations 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.

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

8. Let the **applicant- Rishabh Shukla** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the 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 :- 1.12.2023

Preeti.