

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14244 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 Virendra Kumar Arya learned counsel for the applicant, Sri Arpit Kumar learned A.G.A. 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. 1128 of 2022, under Sections 406, 420, 504, 506, 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 20.10.2022 alleging that the informant had purchased a plot of land from named accused Sanjay Singh Singla in the year 2017 but possession of land was not delivered.
4. The applicant has been implicated subsequently, as he had witnessed of the execution of sale deed.
5. The applicant's involvement in ten other cases has been disclosed in para 21 of the affidavit, in nine of which the applicant has already been granted bail.
6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the sale deed in question was executed in the year 2017 whereas the FIR has been lodged in the year 2022; the informant is aggrieved of non-delivery of possession of land purchased in the year 2017

whereas no proceedings for recovery of possession have been initiated by him and that the applicant has already been granted bail in nine other cases of similar nature 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.

8. Accordingly, this bail application stands allowed.

9. Let the applicant-**Awanish Pandey** 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 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 :- 4.12.2023

Renu/-