

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14166 of 2023

Applicant :- Krishna Kant Srivastava

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. Heard Sri Indra Pratap Singh, learned counsel for the applicant, Sri Rajesh Kumar Shukla, learned A.G.A. for the State and Smt Kusum Lata Singh, learned counsel for the informant and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.1324 of 2022 under Sections 420, 406, 506, 467, 468, 471, 120B IPC, registered at Police Station Kotwali Nagar, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.12.2022 against four named persons, including the applicant and some unknown persons, alleging that the informant had purchased a plot of land through a sale-deed dated 30.11.2015 from ARK Developers. Mutation of her name was carried out and her name was entered into the revenue records. It is alleged that the applicant had introduced the informant to co-accused, Govind Prasad Yadav and had assured that he would look after the land and get a boundary wall around the land constructed and the informant's husband had transferred Rs.50,000/- to the bank account of Govind Prasad Yadav but when she went to her plot on an undisclosed date, no boundary wall existed there. When informant's husband tried to get boundary wall constructed, other accused persons restrained him.

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

the present case. Applicant's involvement in two other cases; (i) Case Crime No.1323 of 2022 under Sections 420, 406, 506 IPC, Police Station Kotwali District Barabanki; and (ii) Case Crime No.1325 of 2022, under Sections 420, 406, 506, 467, 468, 471, 120B I.P.C., registered at Police Station Kotwali Nagar, District Barabanki has been disclosed in para 20 of the affidavit.

5. Learned counsel for the informant has vehemently opposed the bail prayer and has submitted that possession of the land was not delivered to the informant and she has been duped by the applicant.

6. Learned A.G.A. has also opposed the bail prayer and, on the basis of instructions, has submitted that the applicant has sold away the land in excess of land held by him but no more particulars have been provided to the learned A.G.A.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that sale deed in favour of the informant was executed on 30.11.2015, which categorically mentions that the informant had got possession of the land; that although the informant has alleged that her husband had given money for getting boundary wall in the land in question and he was resisted by some persons, no date of incident has been mentioned in the FIR; apparently besides lodging the FIR the applicant has not initiated any proceeding for restraining interference being made on the land of which ownership and possession both had been transferred to her, 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-Krishna Kant Srivastava** 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 :- 1.12.2023
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