

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14219 of 2023

Applicant :- Sanjay Verma @ Sanjay Kumar Verma

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

Counsel for Applicant :- Sukh Deo Singh, Paritosh Shukla, Siyaram Maurya

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Sukh Deo Singh, the learned counsel for the applicant as well as Sri Pramod Kumar Shukla, 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. 129 of 2023, under Section 409, 420 I.P.C., registered at Police Station Vibhuti Khand, District Lucknow East (Commissionerate Lucknow).
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 12.03.2023 against the applicant and one Deepak Singh, describing the applicant as M.D of Aviance Developers Infrastructure Pvt. Ltd. and the co-accused as its C.M.D., stating that the informant had entered into an agreement dated 07.01.2016 for purchasing a plot from the aforesaid company and had paid Rs.3,32,548/- in installments but neither the land was transferred to the informant nor was his money refunded.
4. In the affidavit filed in support of the bail application, the applicant's involvement in ten other cases has been disclosed in paras 19 and 20, in five of which the applicant has been granted bail.
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 averments made in the F.I.R itself prima facie it appears that an agreement for purchase of immovable property was entered on 07.01.2016, which agreement was not registered; the informant has not initiated any proceedings for transfer of the land or recovery of money and the F.I.R appears to have been lodged to pressurize the applicant to redress the informant's grievance without the

later taking recourse to any civil proceedings, coupled with the fact that the applicant is languishing in jail since 22.07.2023 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- Sanjay Verma @ Sanjay Kumar Verma** 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.

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(Subhash Vidyarthi,J.)

Order Date :- 4.12.2023

Ram.