

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2785 of 2023

Applicant :- Sayem Yazdani

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

Counsel for Applicant :- Shobhit Harsh, Jatin Raheja, Ram Shubham, Shakti Kumar Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shakti Kumar Sharma, the learned counsel for the applicant as well as Sri Anant Pratap Singh, learned A.G.A. appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 252 of 2023, under Sections 406, 420 I.P.C., registered at Police Station Mahanagar, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.10.2023 against five persons, including the applicant, in furtherance of an application under section 156(3) Cr.P.C, stating that the informant had purchased a flat on 18.05.2022 from M/s Yazdan Constructions, through its partners Fahand Yazdani, Aleem Yazdani, Sayam Yazdani (the applicant) and Sarafat Ali. The aforesaid flat has been demolished as the construction raised was illegal.

4. In the affidavit filed in support of the anticipatory bail application it has been contended that the applicant is innocent and he has falsely been implicated in the present case. The applicant's criminal history of 18 cases has been disclosed in para 42 of the affidavit, in 10 of which he has been granted bail, in two cases he has been granted anticipatory bail, in two cases the investigation officer has submitted a final report and in rest of the cases investigation is pending.

5. It has further been claimed that the applicant had resigned as a partner of the firm way back on 15.03.2018.

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 in the F.I.R itself, the informant has stated that he had purchased the flat from Yazdan Construction through four co-accused persons and he has not stated about the applicant's involvement in sale of the flat; the applicant claimed to have resigned from the M/s Yazadn Constructions in the year 2018, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

8. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of applicant- **Sayem Yazdani** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness;

(Subhash Vidyarthi, J.)

Order Date :- 5.12.2023

Preeti.