

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14290 of 2023

Applicant :- Mukesh Yadav

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

Counsel for Applicant :- Vivek Chandra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vivek Chandra, the learned counsel for the applicant, Sri Sartaj Ali Ansari, the learned State Counsel, Sri Vaibhav Verma holding brief of Sri Anand Kumar Verma, the 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. 490 of 2023, under Sections 419, 420, 467, 468, 471, 323, 506, 120-B, 34 IPC, Police Station Kotwali Nagar, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 26.04.2023 against nine named persons, not including the applicant, and 5-6 unknown persons alleging that co-accused Hanuman had executed a registered agreement to sell a particular land in favour of the informant and some other person had executed two sale deeds regarding the aforesaid land. On 28.10.2022, the informant came to know that the co-accused Hanuman had gone to the Sub Registrar's office to execute a sale deed of the land in question but the accused persons beaten him up and ousted him from the Registrar's office.

4. The FIR of the incident allegedly took place on 28.10.2022 has been lodged on 26.04.2023.

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

6. The applicant's involvement in 10 other cases has been disclosed in para 14 of the affidavit and the applicant has been granted bail in all the cases. The learned counsel for the applicant has submitted that the applicant is languishing in jail since 11.10.2022.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the informant claims interest in the land on the basis of a registered agreement to sell executed in his favour, the date whereof has not been disclosed in the FIR; that the informant has apparently not initiated any proceedings for specific performance of the contract or for recovery of the consideration paid in the agreement; that the incident allegedly took place on 28.10.2022 and the FIR has been lodged after six months of the incident 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 case.

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

10. Let the applicant-***Mukesh Yadav*** 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 :- 7.12.2023

Pradeep/-