

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14394 of 2023

Applicant :- Ravindra Kumar

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

Counsel for Applicant :- Amitabh Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Amitabh Pratap Singh, the learned counsel for the applicant as well as SriAnant Pratap Singh , 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. 867 of 2023, under Section 406, 419, 420, 504, 506 I.P.C., registered at Police Station Kotwali Nagar, District Sultanpur.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 07.09.2023 against three persons, including the applicant, stating that the informant is engaged in business related to Real Estate. In the year 2017, the informant used to work with a company of which the name has not been disclosed in the F.I.R. The accused persons proposed him to invest in purchase of some land, in which plots were proposed to be carved out and sold for earning profits. The informant claims to have paid Rs. 60 lakhs in cash on various undisclosed dates and thereafter an agreement was executed between the informant and the applicant and co-accused Surendra Kumar Pathak on 15.07.2017. Thereafter, the informant purchased stamp papers worth Rs. 14,15,000/- in the name of the company and paid the balance amount of consideration in the bank account of farmers

through R.T.G.S but the accused persons kept on lingering on the matter of execution of conveyance deeds and the cheques that were handed over to the accused persons were returned by the bank unpaid. The accused persons kept lingering on the matter due to which the limitation for filing an application under Section 138 of Negotiable Instrument Act also expired. The informant further stated that he has sent notice to the farmers, who have deposited Rs. 60 lakhs in the account of the company . The informant has alleged that he has been duped of Rs. 60 lakhs by the accused persons.

4. The applicant's involvement in five other cases has been disclosed in para 12 of the affidavit filed in support of the bail application, in all 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 the informant claims to have worked for some company, of which the name has not been disclosed; Rs. 60 lakhs in cash are said to have been given on undisclosed dates for purchasing some land for the company and no registered agreement for sale or purchase of the land was executed; the company has not initiated any proceedings for recovery of the amount; no proceedings were initiated even under Section 138 of the Negotiable Instrument Act; the F.I.R prima facie appears to be barred by Section 142 of the Negotiable Instrument Act 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- Ravindra Kumar** 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.

(Subhash Vidyarthi,J.)

Order Date :- 7.12.2023

Preeti.