

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2895 of 2023

Applicant :- Ajay Singh

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Civil
Secrt. Lko. Nd Another

Counsel for Applicant :- Shivendra Pratap Singh, Ashish
Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shivendra Pratap Singh, the learned counsel for the applicant as well as Ms. Charu Singh, the learned Additional Government Advocate 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. 296 of 2023, under Sections 406, 420, 467, 468, 471, 504 & 506 IPC, Police Station Sarojni Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 07.07.2023 against four persons, including the applicant, alleging that the informant had purchased a plot from one of the named accused persons Smt. Amita Agarwal, through a broker co-accused Vinod Chaudhary through a sale deed dated 02.03.2019. When the informant approached the LDA for mutation of his name, it turned out that the title of Smt. Amita Agarwal was defective.

4. The applicant has been implicated subsequently because he had executed a deed of assignment of lease in favour of the informant on 18.03.2019.

5. In the affidavit filed in support of the application it has been stated that the applicant is innocent, he has falsely been implicated in the present case and that he has no criminal history.

6. A copy of allotment letter issued by the LDA in favour of co-accused Amita Agarwal and a copy of the sale deed executed by LDA in favour of Amita Agarwal have been annexed with the affidavit and it has been claimed that the applicant has obtained an assignment of lease right from co-accused Amita Agarwal

and he had in turn assigned the same to the complainant.

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 from the documents available before the Court at this stage prima facie it appears that the co-accused Amita Agarwal had been allotted a plot and lease deed had been executed in her favour by LDA and she had assigned the same to the applicant and that the applicant has no previous criminal history; in several other similar matters this Court has granted anticipatory bail to similarly situate persons and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant during pendency of the trial.

9. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Ajay Singh** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail during pendency of the trial 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.

Order Date :- 15.12.2023
Pradeep/-