

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2856 of 2023

Applicant :- Om Prakash

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

Counsel for Applicant :- Ashish Kumar Singh, Manish Vaish

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Manish Vaish, the learned counsel for the applicant as well as Sri Anurag 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. 21 of 2022, under Sections 419, 420, 467, 468, 471, 120-B I.P.C. & Section 7A of P.C. Act, registered at Police Station S.I.T., District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 7.11.2022 against seven persons, not including the applicant, stating that the co-accused Salik Ram has got his name mutated in respect of the informant's land on the basis of a forged sale deed. A copy of the mutation order passed in favour of the co-accused Salik Ram has been annexed with the affidavit, which indicates that the his name has been mutated by means of an order dated 23.8.2018 passed by the Tehsildar, Gonda. The applicant has been implicated subsequently as he has entered into an agreement to purchase the land from the said Salik Ram on 17.5.2021. The agreement to sale mentions that the possession of the property in question has not been handed over to the applicant.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case.

5. The learned A.G.A. has opposed the prayer for bail and on the basis of instructions, he has submitted that the present transaction is a part of series of fictitious transactions made by a gang of persons, who have executed numerous fake deeds to grab the property of numerous persons.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is not named in the F.I.R. and he has been implicated subsequently merely because he has entered into an agreement to purchase the property in dispute from a person, whose name is duly recorded in the revenue records and that neither title nor possession has been handed over to the applicant coupled with the fact that the applicant has no criminal history 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.

7. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant- **Om Prakash** 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;

8. In default of any of the conditions mentioned above or it is found that applicant has obtained this order concealing any material facts, the Investigating Officer shall be at liberty to file appropriate application for vacation of this order.

Order Date :- 13.12.2023
Shravan