

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2863 of 2023

Applicant :- Subhash Passi @ Subhash Munniram Passi

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

Counsel for Applicant :- Manjusha Kapil, Abhishek Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Ms. Manjusha Kapil, learned counsel for the applicant, Sri Anant Pratap Singh, learned A.G.A. for the State as well as Shri Anurag Tripathi, Advocate holding brief of Shri Anand Mani Tripathi, learned counsel for complainant 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. 0707 of 2023, under Sections - 420, 467, 468, 471 & 406 I.P.C., registered at Police Station- Kotwali City, District- Hardoi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 10.10.2023 against the applicant and his wife Reena Passi, stating that the informant's neighbour had introduced two persons on 24.07.2018 and had told that they are engaged in property business in Mumbai and they have a flat, which would be sold for Rs. 2.5 crores. The informant introduced the accused persons to one Ruchi Goyal, who paid Rs. 49 lacs through a cheque which was credited to the applicant's bank account, thereafter, the property was not transferred.

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.

5. The applicant's involvement in six other cases has been disclosed in para 7 of the affidavit, four of which have culminated into a settlement, in one case the applicant stands acquitted, in one case he has been granted anticipatory bail and in the remaining case he has been granted bail.

6. Co-accused Reena Passi @ Reena Subhash Passi has been granted anticipatory bail by means of an order dated 11.12.2023

passed by this Court in Criminal Misc. Anticipatory Bail Application No. 2841 of 2023.

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's grievance is against non-transfer of an immovable property whereas no registered agreement has been executed for transfer of the property; the informant is merely a broker and the persons who had paid the amount has apparently not initiated any proceedings for performance of the contract or for refund of her money and that the co-accused person has already been granted anticipatory bail in the present case 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.

9. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant- ***Subhash Passi @ Subhash Munniram Passi*** 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.

Order Date :- 14.12.2023

Pradeep/-