

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14783 of 2023

Applicant :- Sandeep Nishad

Opposite Party :- State Of U.P. Thru. A.C.S/Prin. Secy. Deptt. Of Home Lko.

Counsel for Applicant :- Ram Raj Ojha, Sudhir Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Sudhir Kumar Mishra, the learned counsel for the applicant, Sri Gyanendra Singh, the learned AGA and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 332 of 2023, under Sections 419, 420, 467, 468, 471, 120-B IPC, Police Station- Jai Singhpur, District- Sultanpur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 22.10.2023 against six persons, including the applicant, stating that the co-accused Sharad Yadav and Dinkar Yadav has got a property transferred in their favour, fraudulently. In the affidavit filed in support of the application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history. It is further submitted that the co-accused persons Dinkar Nishad, Harish Chandra Nishad and Ramesh Kumar Yadav had filed writ petitions in this Court and their arrest has been stayed as per the order passed by this Court, copies thereof have been annexed as annexure no.2 to the affidavit filed in support of the application.

3. A supplementary affidavit has been filed on behalf of the applicant stating that after execution of the disputed sale deed another sale deed has been executed by the purchaser reverting the property to the seller and copies of both the sale deeds have been annexed with the supplementary affidavit.

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

5. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant was not

the executant of the sale deed; that the property has already been reverted to the seller and that the arrest of the three co-accused persons including the purchaser, on the strength of the disputed sale deed, has been stayed by this Court, I am of the view that the applicant is entitled to be enlarged on bail in the aforesaid case.

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

7. Let the **applicant-Sandeep Nishad** 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 :- 18.12.2023

Vipul