

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2871 of 2023

Applicant :- Sharafat Ali

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

Counsel for Applicant :- Sachin Chaturvedi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Sachin Chaturvedi, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate-I 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.0252 of 2023, under Sections 406, 402 I.P.C., registered at Police Station Mahanagar, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.10.2023 against five persons, including the applicant, stating that the informant had purchased a flat from Yazdan Constructions through a sale deed dated 18.05.2022. The informant has further stated that through a newspaper report dated 25.03.2022 he had come to know that the building had been raised illegally and it will be demolished by Lucknow Development Authority. It has further been stated in the F.I.R. that the flat in question had been sold previously also through a sale deed dated 10.07.2019. The F.I.R. was lodged when the informant had demanded refund of sale consideration and the same had not been paid to him.

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. The applicant's involvement in ten other cases has been disclosed in para 21 of the affidavit filed in support of the bail application, in two of which the applicant has been granted bail, in two cases he has been granted anticipatory bail and in two cases the Investigating Officer has submitted final report. A co-accused person Sayem Yazdani has already been granted anticipatory bail by this court by means of an order dated 05.12.2023, passed in Criminal Misc. Anticipatory Bail Application No.2785 of 2023. A supplementary affidavit has been filed on behalf of the applicant annexing therewith true copies of the sale deed dated 18.05.2022 and 10.07.2019, none of which has been executed by the applicant.

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

6. Having considered the aforesaid facts and circumstances of the 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.

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

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(Subhash Vidyarthi, J.)

Order Date :- 16.12.2023
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