

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2893 of 2023

Applicant :- Lalitesh Kumar Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. (Home) Civil
Sectt. Lko

Counsel for Applicant :- Ashish Kumar Singh, Manish Vaish

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ashish Kumar Singh, the learned counsel for the applicant, Sri Vinod Kumar Shahi, learned Additional Advocate General assisted by Sri Anurag Verma, the learned AGA-I and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 20 of 2022, under Sections 419, 420, 467, 468, 471, 120-B IPC & 7A PC Act, Police Station SIT, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 07.11.2022 against four persons, not including the applicant, alleging that the accused persons had executed a sale deed in respect of the informant's land by setting up some imposter. The applicant has been implicated subsequently when it came to light during investigation that he had entered into an agreement to purchase the land from one Kalawati, who was vendee of the forged deed. Kalawati was also not named as an accused in the FIR.
4. In the affidavit filed in support of bail 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.
5. The agreement in favour of the applicant has not been registered.
6. A supplementary affidavit has been filed on behalf of the applicant disclosing his involvement in four cases, subsequent to his implication in the present case.
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 of the fact that the applicant is not named in the FIR; that he has been implicated only because he has obtained an agreement to purchase the land in question from one Kalawati, who is also not a named accused and the agreement has not even been registered, which prima facie indicate that none of the rights of any person have been affected by the execution of the unregistered sale agreement and coupled with the fact that the applicant has no previous 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 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-***Lalitesh Kumar 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/-