

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2900 of 2023

Applicant :- Shivraj Verma

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

Counsel for Applicant :- Brijesh Kumar Verma, Ankit Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Brijesh Kumar Verma, the learned counsel for the applicant as well as Sri Rakesh Kumar 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. 156 of 2022, under Sections 419, 420, 467, 468, 471 I.P.C., registered at Police Station Kotwali Nagar, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 6.3.2022 against five persons, not including the applicant, stating that the informant had entered into a registered agreement dated 20.4.2018 to purchase a piece of land from one of the named accused persons Nanki @ Sushila and on 13.11.2021, Nanki @ Sushila had executed a sale deed in favour of the informant. But during the intervening period, she had executed an agreement to sale in favour of the co-accused Brijesh Verma on 26.2.2020.

4. The applicant was implicated in the present case as it came to light that he had purchased the land in dispute through a sale deed dated 7.11.2020.

5. 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.

6. It has further been stated in the affidavit filed in support of the application that after coming to know the defect in the land of the seller, the applicant has executed a sale deed dated 2.3.2021, re-conveying the dispute to its previous owner-co-accused Nanki @ Sushila.

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 applicant had re-transferred the land in dispute to its previous owner way back before lodging of the F.I.R. 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.

9. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant- **Shivraj Verma** 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;

10. 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 :- 16.12.2023

Shravan