

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14917 of 2023

Applicant :- Sachin Jaiswal

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home U.P. Lko.

Counsel for Applicant :- Sushil Kumar Singh, Ayush Singh, Sarvesh Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Sushil Kumar Singh, the learned counsel for the applicant, Sri Anant Pratap Singh, the learned A.G.A. for the State and Sri Anil K. Tripathi, the learned counsel for the informant.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 153 of 2023, under Sections 406 and 420 I.P.C., registered at Police Station Inayat Nagar, District Faizabad.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 31.03.2023 against eight persons, including the applicant, stating that the applicant is power of attorney holder of one Durgavati Jaiswal, who had purchased twenty thousand square feet land from the applicant and other persons on 31.12.2021. Thereafter, the applicant had offered to get the aforesaid land sold and also to get some alternative land to the aforesaid Durgavati Jaiswal. Four sale deeds were executed in respect of the land belong to Durgavati Jaiswal and it is alleged that the sale consideration was received in various accounts of persons related to the applicant and the consideration was not paid to the informant.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in 15 other cases has been disclosed in the affidavit filed in support of the bail application, eight of which have been initiated on the basis of a report lodged by the informant himself. In all the cases lodged by persons other than the informant the Investigating Officers have submitted final reports, in two of the cases filed by the informant also final reports have been submitted by the Investigating Officer and in two of the cases the applicant has been granted bail.

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 keeping in view the fact that the sale deed in question were executed by the informant himself and the F.I.R. has been lodged alleging non-receipt of the sale consideration; that the sale consideration was not payable by the applicant as he was not the purchaser in those sale deeds and the applicant is languishing in jail since 27.09.2023 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

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

8. Let the **applicant-Sachin Jaiswal** 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.

(Subhash Vidyarthi, J.)

Order Date :- 18.12.2023
Ram.