

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14985 of 2023

Applicant :- Udayraj

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

Counsel for Applicant :- Lav Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Lav Singh, the learned counsel for the applicant, Sri Rakesh Kumar Singh, the learned A.G.A. for the State and Sri Srinivas Rathore, Advocate who has put in appearance on behalf of the informant and filed his vakalatnama, which is taken on record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 136 of 2023, under Sections 406, 420, 467, 468, 471, 506 I.P.C., registered at Police Station Sarojni Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.04.2023, stating that the informant had entered into a registered agreement dated 14.10.2018 for purchasing plot of land from the applicant for a total consideration of Rs.30,00,000/- out of which Rs.20,00,000/- had been paid to the applicant at the time of execution of agreement. The informant had paid Rs.2,50,000/- more to the applicant through a cheque of an undisclosed date. The applicant sold away the land to other persons through two sale deeds dated 08.07.2021 and 21.10.2022 and duped the informant of Rs.22,50,000/-.

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 learned counsel for the informant has submitted that a charge sheet has been prepared on 17.10.2023, which has been forwarded on 28.10.2023 and the court has taken cognizance of the offence.

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

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the grievance of the informant appears to be regarding non performance of a contract and no suit for specific performance of contract has been filed by the informant; that the informant is aggrieved by non-refund of money paid under the agreement and no suit has been filed for recovery of the money also; that the dispute predominantly appears to be of civil nature; that the investigation has been completed and there is no need for custodial interrogation of the applicant coupled with the fact that the applicant has no previous criminal history and he is languishing in jail since 20.08.2023 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.

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

9. Let the **applicant-Udayraj** 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 :- 19.12.2023
Ram.