2026:AHC:229121

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 25831 of 2025

Nathuni Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Amit Kumar Yadav, Ghanendra Singh Chauhan, Ritesh Srivastava, Shweta Singh, Shyam Mohan Singh
Counsel for Opposite Party(s)	:	Sujit Kumar Agrawal, Vinod Kumar Upadhyay, G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri G.S. Chauhan, learned counsel for the applicant, Sri Vinod Kumar Upadhyay, learned counsel for the informant as well as Sri Sunil Kumar, learned AGA for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.274 of 2023, under Sections 419, 420, 406, 504, 506, 467, 468, 471, 120-B I.P.C. and Section Chandauli, District Chandauli, during the pendency of trial.

4. As per the prosecution story, the applicant is stated to have executed a sale deed in favour of the informant in respect of a property which he had already sold to another person.

5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. It is submitted that the applicant had earlier instituted a suit for cancellation of the sale deed, which was dismissed in default; however, the restoration application has been allowed and the said suit is presently pending. The applicant is languishing in jail since 15.04.2025 and the trial has not progressed. As such, there is no likelihood of conclusion of the trial in the near future. The applicant has no criminal history and undertakes to

cooperate with the trial and not to misuse the liberty of bail, if granted.

6. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that the applicant had committed fraud upon the informant despite having executed a sale deed in respect of the property on 06.02.2012. It is further submitted that the applicant had already sold the property twice and had subsequently executed sale deeds in favour of other persons as well. Thus, the applicant is a habitual fraudster and is not entitled to be enlarged on bail.

7. In rebuttal, learned counsel for the applicant has submitted that there is not a single complaint against the applicant, except the present F.I.R.

8. This Court had called for a status report regarding the trial from the concerned trial court. As per the status report dated 31.10.2026, the co-accused persons are absconding and have obtained an interim stay in a petition filed under Section 528 of the B.N.S.S. before this Court. The said report further indicates that, owing to the aforesaid circumstances, charges could not be framed against the applicant and the other accused persons.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the period of incarceration undergone by the applicant and the fact that the trial has remained at a standstill, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

10. Let the applicant- **Nathuni Yadav**, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

11. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

November 2, 2026
Vikas Verma

Digitally signed by :-
VIKAS VERMA
High Court of Judicature at Allahabad