

Court No. - 77

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51056 of 2023

Applicant :- Lallan Sharma And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Raj Kumar Sharma

Counsel for Opposite Party :- G.A., Deena Nath, Deepak Kumar, Himanshu Yadav, Ratan Kumar Mishra

Hon'ble Mrs. Renu Agarwal, J.

1. Heard learned counsel for the applicant, learned counsel for the informant and learned A.G.A. for the State and perused the record.
2. The present first bail application under Section 439 Cr.P.C. has been filed on behalf of the applicants in Case Crime No. 066 of 2023 under Sections 406, 419, 420, 504 and 506 I.P.C. Police Station Santnagar, District Mirzapur with the prayer to enlarge him on bail.
3. Allegations levelled as per the F.I.R. is that applicant agreed to sell his twenty Bigha land bearing Arazi No. 479 for Rs. 35 Lakh and an amount of Rs. 20 Lakh was agreed to be paid in advance for which he gave Rs. 20 Lakh as advance by the mode of RTGS from different accounts. When the informant made inquiry in regard to the said Arazi No. 479, it was found that the same is not registered in the name of applicant No. 1 and when the informant inquired about the said fact, the applicant No. 1 exhorted his brother to kill the informant by running over them a tractor.
4. Learned counsel for the applicant submitted that the applicants are innocent and have been falsely implicated in the instant case due to malafide intentions. It is submitted that the real facts of the case is that the applicants were in urgent need of money and for that purpose he decided to sell his land measuring area 4.0850 Hectare for Rs. 1,80,00,000/- (One Crore and Eighty Lakh) to the informant and informant agreed to pay Rs. 25,00,000/- in advance and rest money would be given at the time of execution of the sale deed. It is further submitted that informant

paid Rs. 20 lakh in advance to the applicant by RTGS and in collusion with one Sub Inspector who happens to be a relative of the informant, informant hatched a conspiracy to usurp the entire land of the applicants admeasuring twenty bigha at a very deprecated price of Rs. 35 Lakh. Learned counsel for the applicant submitted that the applicants are ready to pay Rs. 20 Lakh to the informant as alleged in F.I.R. if the applicant is released on interim bail.

5. Learned counsel for the informant has no objection if the applicants pay Rs. 20 Lakh to the informant.

6. In view of the statement and the offer made by the counsel for the applicants, let the applicants **Lallan Sharma** and **Banshi** be released on interim bail for a period of one month in case crime No. 066 of 2023 under Sections 406, 419, 420, 504 and 506 I.P.C. Police Station Santnagar, District Mirzapur, on their furnishing personal bonds and two sureties each to the satisfaction of the court concerned with the following conditions:

(i) The applicants shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 229-A of the Indian Penal Code.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence proclamation under Section 82 Cr.P.C. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then the trial court shall initiate proceedings against them, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicants shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicants are deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against them in accordance with law.

(v) The applicants shall also furnish an undertaking from the sureties that the properties (movable/immovable) which are the basis of accepting the surety, shall not be disposed of by them till the conclusion of trial.

(vi) The applicants shall also give an undertaking to the effect that he will not change their address without prior intimation to the trial court concerned.

7. In view of the aforesaid offer, it is directed that the applicants shall pay Rs. 20,00,000/- (Rs. Twenty Lakh) through RTGS in the account of Narendra Kumar in A/c No. 33055988116 within a period of 30 days of his release.

8. In case, the said condition is not complied with within 30 days, the interim bail shall be deemed to be cancelled and the applicant shall surrender before the Court below on 20.01.2024.

9. List on **22.01.2024** as fresh for final disposal of the bail application.

(Renu Agarwal,J.)

Order Date :- 19.12.2023

Karan