

**Court No. - 12**

**Case :-** CRIMINAL MISC ANTICIPATORY BAIL  
APPLICATION U/S 438 CR.P.C. No. - 171 of 2023

**Applicant :-** Arun Pratap Alias Pappu Yadav

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

**Counsel for Applicant :-** Purnendu Chakravarty

**Counsel for Opposite Party :-** G.A.

**Hon'ble Karunesh Singh Pawar,J.**

Heard learned Counsel for the applicant and learned A.G.A. for the State/respondent as well as perused the record.

The present anticipatory bail application has been filed under Section 438 Cr.P.C. by the applicant apprehending his arrest in FIR No.253 of 2018, under Sections 419, 420, 467, 468, 471, 504 and 506 Indian Penal Code, Police Station Mill Area, District Raebareli.

In the prosecution case, it is alleged that the applicant is a leader of Congress Party and he is also a land mafia and has threatened the informant to evict from the house. It is further alleged that the applicant has falsely implicated her husband in a rape case. It is further alleged that the applicant has not only captured one house but he has also captured the other house of the informant. When the informant came to know about the incident, the applicant showed receipt issued with the forged signature of his husband and the sale deed. It is alleged that by forging the receipt dated 25.02.2013, the applicant is trying to capture her property. It is also alleged that on the basis of forged certificate, a civil suit has also been initiated by the applicant. Learned counsel for the applicant submits that he purchased the property from the husband of the informant for a sale consideration of Rs.3,00,000/- against which the husband of the complainant issued a receipt dated 25.02.2013. Learned counsel

for the applicant submits that he preferred injunction suit before the court of Civil Judge (J.D.), Raebareli bearing Civil Suit No.764 of 2018, which is pending. It is contended that the applicant has legitimate possession since 2013, however, the FIR has been lodged with unexplained delay of 5 years which raises suspicion. It is further submitted that the husband of the complainant is also an accused in FIR No.1433 of 2013, under Sections 376-D, 506 and 342 IPC and Section 3(1) and 3(10) SC/ST ACt and has been in judicial custody for a long time and her husband is habitual in cheating. The applicant has criminal history which has been explained in para 18 of the affidavit in support of the bail application. The applicant is the active member of the National Political Party and most of the cases are due to his political affiliation.

It has been further submitted that charge-sheet in the matter has been filed. The applicant undertakes to cooperate in the trial.

Learned A.G.A. has opposed the bail prayer but could not dispute the aforesaid facts.

On due consideration of the arguments advanced; perusal of the record; a civil suit filed by the applicant is pending which has been filed prior to the lodging of the FIR; the FIR has been lodged with delay of five years; charge sheet in the case has been filed; so also the fact that the applicant has explained criminal antecedents in para 18 of the affidavit in support of the anticipatory bail application; he undertakes to cooperate in the trial and has cooperated in the investigation, it would be expedient in the interest of justice that the liberty of the applicant may be protected in view of dictum of Apex Court in re: **Sushila Aggarwal Vs. State (NCT of Delhi)-2020 SCC online SC 98.**

Therefore, the anticipatory bail application is **allowed**. It is

provided that in the event of arrest, the applicant **Arun Pratap Alias Pappu Yadav** shall be released on anticipatory bail in the aforesaid F.I.R. number on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the trial court with the following conditions:-

1. that the applicant shall not leave India without the previous permission of the court;
2. that the applicant shall not pressurize/ intimidate the prosecution witness;
3. that the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;
4. that in case of breach of any of the above conditions the court below shall have the liberty to cancel the bail.

Such other reasonable conditions which the learned trial court may deem fit may be imposed.

Before parting with, learned trial court is directed to conduct and conclude the trial with expedition and no unnecessary adjournment shall be given to any of the parties.

**Order Date :- 1.2.2023**

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