

# **Sachin Jaisawal vs State Of U.P. Thru. Addl. Chief Secy. ... on 4 February, 2025**

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:7084

Court No. - 15

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6053 of 2024

Applicant :- Sachin Jaisawal

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

Counsel for Applicant :- Sushil Kumar Singh,Amit Singh Bhadouria,Ayush Singh,Sarvesh Upa

Counsel for Opposite Party :- G.A.,Ashvani Kumar Yadav,Chandan Srivastava,Indra Pratap S

Hon'ble Shree Prakash Singh,J.

Supplementary affidavit filed today by counsel for the applicant is taken on record.

Heard learned counsel for the applicant,Chandan Srivastava, counsel for son of the complainant, learned A.G.A. for the State and perused the record.

The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail during the trial in Case Crime No. 539 of 2022 under sections 419, 420, 467, 468, 471, 447 of IPC P.S.- Inayat Nagar District - Ayodhya.

The contention of learned counsel for the applicant is that the applicant is innocent and has falsely been implicated in the instant matter due to ulterior motive. He submits that in fact it is not a case of impersonation, but the applicant had purchased the land in question from the actual owner namely, Chamely and Sunil Kumar. He submits that the dispute in fact was that the boundary as

well as some property which is shown in the registered sale deed got executed in favour of the applicant was pertaining to one Durgawati who purchased the land through Attorney Holder. He added that subsequently, the applicant moved the correction sale deed (Titimma) and thereafter, the boundary wrongly mentioned in the registered sale deed of the applicant was corrected and thus, this shows the bonafide of the applicant and the mensrea is missing in the instant matter. He also added that the the applicant has explained the criminal history and there is no possibility that the trial would be concluded in the near future. He next added that the applicant is languishing in jail since 19.09.2023 and he undertakes that in case, he is granted bail, he will not misuse the liberty of the same and would cooperate in the trial proceedings.

Per contra, Sri Chandan Srivastava, counsel appearing for son of the complainant has opposed the contentions aforesaid and submits that cheat & fraud has been committed by the applicant as he has shown the shops of the applicant and the photos of the shops were also shown in the registered sale deed. He added that even in the correction sale deed, the same has not been corrected. He also submits that there are as many as 17 cases criminal history against the applicant and after lodging of the first information report, the applicant had attempted to commit murder of the complainant thus, submission is that he is not entitled for any relief.

Learned A.G.A. appearing for the State has supported the version of counsel for son of the complainant and submits that the applicant is not entitled for any relief.

Having heard learned counsels for the parties and after perusal of material placed on record, it transpires that there was a dispute with respect to boundary which was mentioned in the registered sale deed which was got executed by the present applicant in his favour from the owner namely, Sunil Kumar and Chamely; further the applicant has got corrected the same by way of moving the correction sale deed and the same has been corrected wherein, there is certain dispute on the other side which could be of civil in nature. This Court has also taken note of fact that the applicant is languishing in jail since 19.09.2023 and there seems to be no possibility of conclusion of the trial in near future and prima facie, it seems that the case of the present applicant is squarely covered with the ratio of judgments of Union of India Vs. K.A. Najeeb, 2021 3 SCC 712 and Manish Sisodia vs Directorate Of Enforcement decided on 9 August, 2024; further, the applicant has undertaken that in case, he is granted bail, he will not misuse the liberty of same and would cooperate in the trial proceedings.

Considering the submissions of learned counsels for the parties, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of the Article 21 of the Constitution of India and, without expressing any view on the merits of the case, I find it to be a fit case of bail.

Let the applicant- Sachin Jaisawal involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

(1) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, or otherwise during the investigation or trial;

(2) The applicant 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. He shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code;

(3) The applicant 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.; and (4) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law under Section 174-A of the Indian Penal Code.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the merits of the case.

Order Date :- 4.2.2025 Mayank