



2026:AHC-LKO:40874

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 12723 of 2025

Manohar Lal Tolani

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Aman Thakur, Vineet Tripathi
Counsel for Opposite Party(s) : G.A., Anshuman Kumar, Anubhav Singh, Nalin Arora

Court No. - 11

HON'BLE RAJEEV SINGH, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State, learned counsel for the complainant and Shri Ratnesh Chandra, learned Special Counsel for Lucknow Development Authority.
2. The present bail application has been filed by the applicant with prayer to enlarge him on bail in Case Crime No. 304 of 2025 under Sections 319(2), 318(2), 338, 336(2), 340(2), 61(2), 351(3) BNS, Police Station Bijnor, District Lucknow.
3. Mr. C.P. Tripathi, Additional Secretary, Lucknow Development Authority, is present before this Court alongwith the complete record and informs that the property in question was never sold out to Jawaharlal Gurnani.
4. Learned counsel for the applicant submits that the property in question was purchased by Jawaharlal Gurnani from Lucknow Development Authority vide sale deed dated 03.02.2015, Bahi No.1, Jild No. 18558, Page Nos.275 to 290, at Serial No. 2372. Thereafter, Jawaharlal Gurnani sold the property to Akashdeep vide sale deed dated 26.05.2017, Bahi No. 1, Jild No. 22344, Page Nos. 305 to 340, at Serial No. 7289. Further, Akashdeep sold out the property to the applicant vide registered sale deed dated 12.10.2017, Bahi No. 1, Jild No. 22916, Page Nos. 229 to 284, at Serial No. 15760 in the office of Sub-Registrar First, Lucknow.

4.1. It is further submitted that the applicant is in possession over the property in question. This said property was sold out to the complainant of the present case vide sale deed dated 26.04.2025, Bahi No.1 Jild No. 1137, Page Nos.235 to 246 at Serial No. 7959 after taking sale consideration of Rs. 50 lakhs. Then, it came into the notice of the applicant that the property belongs to Lucknow Development Authority (L.D.A.). But, the L.D.A. has never sold this property to anyone. Thereafter, the FIR in question was lodged.

4.2. Relying on the judgment of the Hon'ble Supreme Court in the case of ***Mohammad Ibrahim and others vs. State of Bihar*** reported in **(2009) 8 SCC 751**, learned counsel for the applicant submits that the alleged document is not forged as it was executed in the office of the Registrar and the same is also registered.

4.3. Reliance is also placed upon the judgements of Hon'ble Supreme Court in the cases of ***S. Anand Vs. State of Tamil Nadu*** reported in ***SLP (Crl.) No. 12177 of 2022*** and ***Bhikhubhai Govindbhai Patel and another Vs. State of Gujarat*** reported in ***SLP (Crl.) No. 15537 of 2023***.

4.5. It is next submitted that the applicant is a bona fide purchaser, who purchased the property after taking financial assistance from M/s Aditya Birla of amounting Rs. 27 lakhs and sale consideration of Rs. 30 lakhs was paid. The applicant was himself cheated by Akashdeep. The charge sheet has already been filed. As the applicant, who is aged about 71 years, does not have any criminal antecedent, he may be enlarged on bail.

5. Shri Ratnesh Chandra submits that initially, this property was allotted in the name of Banwari Lal Jangra, but due to some issue, after exchange, new property was assigned to him and the property in question was lying with L.D.A. He further submits that the property was never sold out to Jawaharlal Gurnani. He also submits that at Serial No. 2372 in the office of Sub-Registrar First, another property is registered which relates to U.P. Avas Evam Vikas Parishad, i.e, property No. 7C/747, Vrindavan Yojana and this property was sold out by Avas Evam Vikas Parishad in favour of one Rajkumar.

6. Mr. Vinay Kumar Singh, Sub-Registrar, has placed a copy of the

aforesaid registered sale deed executed by Dr. Anil Kumar, Deputy Housing Commissioner, U.P. Avas Evam Vikas Parishad, in favour of Rajkumar (allottee of the said property). Mr. Vinay submits that the property in question is sold out in auction very recently to some other person and all these sale deeds are for same transaction.

7. Learned counsel for the complainant vehemently opposes the prayer of the applicant and submits that the informant has been cheated by the applicant as he was not the title holder of the property in question, hence, the applicant is not entitled for bail.

8. Shri Piyush Kumar Singh, learned A.G.A. submits that sufficient evidence is found against the applicant and it was the duty of the applicant to examine the details of the property before purchasing it as he purchased the property from Akashdeep, but Akashdeep and Jawaharlal Gurnani were never title holders of the property in question, because L.D.A. has not sold the property to Jawaharlal Gurnani, therefore, bail application is liable to be rejected.

9. Considering the submissions of learned counsel for the parties and going through the contents of the bail application as well as other relevant material, it is evident from the record that the property in question was never sold out by L.D.A. to any person. The applicant is not title holder of the property, but he sold out the property to the informant after taking sale consideration of Rs. 50 lakhs. The case relied upon by learned counsel for the applicant is not applicable in the present case. The document is not forged, but without having any authority over the property in question, the same was sold out after taking sale consideration of Rs. 50 lakhs. Therefore, no case for bail is made out. Accordingly, the bail application is **rejected**.

10. The record is hereby returned to Shri Ratnesh Chandra, learned Special Counsel for Lucknow Development Authority.

June 11, 2026

Arpan

(Rajeev Singh,J.)