

# Dr Anand vs State Of U.P. on 28 February, 2025

**Author: Samit Gopal**

**Bench: Samit Gopal**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:28444

Court No. - 78

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 529 of 2024

Applicant :- Dr Anand

Opposite Party :- State of U.P.

Counsel for Applicant :- Pranav Tiwary,Rajneesh Tripathi

Counsel for Opposite Party :- Dharendra Kumar Verma,G.A.,Renu Swarnkar

Hon'ble Samit Gopal,J.

1. List revised.
2. Heard Sri Pranav Tiwari, learned counsel for the applicant and Sri Ajay Singh, learned AGA-I for the State and perused the records.
3. Sri Dharendra Kumar Verma and Ms. Renu Swarnkar, learned counsels for the first informant are not present. This is the fifth occasion, learned counsels for the first informant are not present even in the revised list.
3. The anticipatory bail application under Section 438 Cr.P.C. has been filed by the applicant Dr. Anand, seeking anticipatory bail, in Case Crime No. 820 of 2023, under Section 306 I.P.C., Police Station Dibiyaapur, District Auraiya, during the pendency of his trial before the court below.

4. Previously on 07.02.2025, the following order was passed by this Court :-

"1. List revised.

2. Sri Pranav Tiwary, learned counsel for the applicant and Sri B.P. Singh, learned A.G.A for the State are present. Sri Dharendra Kumar Verma and Ms. Renu Swarnkar, learned counsels for the first informant are again not present even when the matter has been taken up in the revised list.

3. The records show that since the last two occasions, learned counsels for the first informant have failed to turn up even in the revised list when the matter was taken. On the last occasion it was observed that the matter is being adjourned as a last opportunity since they were not present but today looking to the traffic problem in the city accommodation is again granted.

4. Let the matter be listed on 28.02.2025.

5. The records show that the applicant was granted interim anticipatory bail vide order dated 30.01.2024 which was further extended vide order dated 12.03.2024 by this Court. Further the records show that the vide order dated 25.04.2024 interim order was extended by a co-ordinate Bench of this Court and thereafter the same was extended vide orders date 14.5.2024 and 23.9.2024 of this Court.

6. Till the next date of listing or till submission of police report, if any, under Section 173 (2) Cr.P.C. whichever is earlier, in the event of arrest of the applicant- Dr Anand, in Case Crime No. 820 of 2023, under section 306 I.P.C., Police Station Dibiyapur, District Auraiya, shall be released on interim anticipatory bail on his furnishing a fresh personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station concerned with the following conditions:-

(i) the applicant shall make himself available for interrogation by a police office as and when required;

(ii) the applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police office;

(iii) the applicant shall not leave India without the previous permission of the Court and if he has passport the same shall be deposited by him before the S.S.P./S.P. concerned.

7. In default of any of the conditions, the Investigating Officer is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.

8. The Investigating Officer is directed to conclude the investigation of the present case in accordance with law without being prejudice by any observation made by this Court while considering and deciding the present anticipatory bail application of the applicant.

9. The applicant is directed to produce a copy of this order before the S.S.P./S.P. concerned within ten days from today, who shall ensure the compliance of present order.

10. Learned counsel for the applicant shall serve the written notice about this order on learned counsels for the first informant within one week and produce the copy of the receipt of the same on the next date."

5. The applicant was granted interim anticipatory bail vide order dated 30.01.2024. The said order reads as under :

"1. List revised.

2. Heard Sri Manish Tiwari, Senior Advocate, assisted by Sri Y. Venugopal holding brief of Sri Pranav Tiwari, learned counsel for the applicant and Sri Ajai Singh, learned A.G.A.-I for the State and perused the record.

3. The anticipatory bail application under Section 438 Cr.P.C. has been filed by the applicant Dr. Anand, seeking anticipatory bail, in the event of arrest in Case Crime No. 820 of 2023, under section 306 I.P.C., Police Station Dibiyapur, District Auraiya.

4. Learned counsel for the applicant argued that the investigation in the present matter is going on, para 45 of the affidavit has been placed. It is argued that the applicant is the Manager of Suditi Global Academy Auraiya. It is argued that the deceased Praveen Kumar was teacher in the said organization, he committed suicide. It is alleged that a suicide note was recovered which was written by the deceased and found near his dead body, a reading of which would go to show that he was under immense family pressure due to unsettled family and the people not having good job and having financial constraints. It is argued that the deceased committed suicide by going in front of a train and was found on the railway track. Learned counsel for the applicant argued that there is no abetment and instigation of any kind by the applicant which has any nexus with the death of the deceased, the applicant has no mens-rea at all, there is no overt act whatsoever of the applicant, which resulted in the death of the deceased, the applicant has no motive at all to commit the aforesaid offence. It is argued that the applicant has no criminal history as stated in para 41 of the affidavit.

5. Submission requires consideration.

6. Learned A.G.A. has accepted notice on behalf of State of U.P./opposite party no. 1.

7. Issue notice to the first informant in accordance with law returnable within four weeks.

8. Steps be taken within a week.

9. Counter affidavit be filed by learned A.G.A as well as the first informant within the said period. Rejoinder affidavit, if any, may be filed by the applicant within two weeks thereafter.

10. List this case on 12.03.2024."

6. Counter affidavit of the State and rejoinder affidavit on behalf of applicant to the same has been filed which are already on record.

7. Learned counsel for the applicant submits that there is nothing on record to show that the applicant is avoiding the process of law and violated any condition of the anticipatory bail granted to him. The applicant had been cooperating in the present matter and there has been no objection by the trial court or the investigating agency regarding any non-cooperation of the applicant to the trial court. It is submitted that as such the applicant had been diligently complying the directions of this Court and the conditions as leveled in the order granting interim anticipatory bail were being followed by him.

8. Per contra, learned counsel for the State could not point out any such incident for non-cooperation by the applicant before the trial court.

9. In view of the fact, the applicant Dr. Anand, had cooperated before the trial court. He is directed to continue cooperation, the order dated 30.01.2024 is made absolute till conclusion of trial on furnishing a fresh personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) the applicant shall appear before the court concerned within a period of two weeks from today and file certified copy of this order for its compliance.

(ii) the applicant shall make herself available on each and every date fixed in the matter by the court concerned.

(iii) the applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court.

(iv) the applicant shall not leave India without the previous permission of the Court and if she has a passport, the same shall be deposited by her before the concerned court.

10. In case, the applicant does not co-operate in the proceedings of the trial, this order shall stand automatically recalled/vacated and the applicant shall be taken into custody, forthwith.
11. Further, in default of any of the conditions, the court concerned is at liberty to pass appropriate orders for enforcing and compelling the same.
12. The court concerned shall not be prejudiced by any observation made by this Court while considering and deciding the present anticipatory bail application of the applicant.
13. The present anticipatory bail application stands disposed of.

(Samit Gopal,J.) Order Date :- 28.2.2025 / Manoj