

Ramesh Chandra vs State Of U.P. And Another on 1 April, 2025

Author: Raj Beer Singh

Bench: Raj Beer Singh

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:46019

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 11266 of 2024

Applicant :- Ramesh Chandra

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Bharat Singh

Counsel for Opposite Party :- G.A.,Pandey Balkrishna,Ravi Shankar Tripathi

Hon'ble Raj Beer Singh,J.

1. Supplementary counter affidavit on behalf of opposite party No. 2/informant, filed in court today is taken on record.
2. Heard learned counsel for the applicant, learned counsel for opposite party No. 2/informant and learned A.G.A. for the State.
3. The present second application has been moved seeking anticipatory bail in Case Crime no. 110 of 2022, under Sections 420, 406, 120-B and 34 IPC, Police Station Mujaria, District Budaun with the prayer that in the event of arrest, applicant may be released on bail. The first anticipatory bail application of applicant was dismissed as infructuous on 01.12.2022.

4. The opposite party No. 2/informant has lodged the first information report of this case, alleging that she along with one Smt. Sunita Yadav and Smt. Vijendri Yadav, has purchased the disputed land, along with HPCL retail outlet, from Deepak Krishna Chandak by paying total amount of Rs. 45 lacs. After execution of the sale-deed, said Deepak Krishna Chandak demanded Rs. 32 lacs for transfer of licence of retail outlet and accordingly said amount was also paid to him but he, in connivance with officials of HPCL, made an application for transfer of said outlet in favour of one Amrishi Tiwari and Smt. Anita Saxena. Meanwhile said Deepak Krishna Chandak and Dhiraj Chahar (official of HPCL) have got registered a sale-deed of the land of said Sunita Yadav and Smt. Vijendri Yadav in favour of applicant-accused Ramesh Chandra and a partnership deed was prepared between informant and applicant-accused having stake of 50%-50%. On 17.09.2020 said Deepak Krishna Chandak has filed an affidavit in favour of the informant for transfer of said outlet and dealer portal ID was handed over to the informant. Later on the informant came to know that the said outlet was not transferred in her name, rather the said HPCL outlet was transferred in the name of one Yogendra Singh, who is son of the applicant-accused. The informant has further alleged that when she contacted the HPCL official Dhiraj Chahar and he made illicit demand of Rs. 15 lacs. Later on said filling station was inaugurated and the said HPCL retail outlet has illegally been transferred in favour of Yogendra Singh, without any online process.

5. It has been argued by learned counsel for the applicant that applicant is innocent and he has an apprehension that he may be arrested in the above-mentioned case, whereas there is no credible evidence against him. The applicant has no criminal antecedents. The dispute between the parties is purely civil in nature and there is no such allegation that applicant has committed any forgery. The said outlet was transferred in favour of Yogendra Singh by the HPCL officials in accordance with Rules vide agreement between Yogendra Singh and HPCL officials and later on appointment was issued on 24.02.2022. Accordingly, the District Supply Officer, Budaun has also issued licence in favour of Yogendra Singh. It was further submitted that applicant and his son Yogendra Singh have entered into an oral agreement regarding land in which the informant was having 50% share and she has agreed to sell her share for consideration of Rs. 60 lacs. In pursuance of that on 07.07.2020 Rs. 8 lacs, on 08.07.2020 Rs. 7 lacs and on 07.07.2020 Rs. 10 lacs and thereby total amount of Rs. 25 lacs was transferred by the applicant and his son into the account of informant. After receiving the said amount, the informant has agreed to execute the sale-deed within 15 days but the sale-deed was not executed. Learned counsel has referred the facts of the matter and submitted that the dispute between the parties is purely civil in nature and no criminal offence is made out against the applicant.

6. It is further submitted that the applicant is a 70 years old retired person and investigation of the case is complete and charge-sheet has already been submitted. During investigation, applicant has cooperated with the investigating agency. The applicant undertakes to co-operate during trial and he would appear as and when required by the Court. It has been stated that in case the applicant is granted anticipatory bail, he shall not misuse the liberty of bail and will co-operate with the trial and would obey all conditions of bail.

7. Learned counsel for opposite party No. 2/informant and learned A.G.A. have opposed the application for anticipatory bail and submitted that in view of the allegations made in the first

information report a prima facie criminal offence is made out against the applicant. Referring to the facts of the matter, it was submitted that Deepak Krishna Chandak has made a proposal to sell his petrol pump to the informant and one Smt. Sunita Yadav and Smt. Vijendri Yadav and thereafter a sale-deed was executed in favour of them. Said Deepak Krishna Chandak has also prepared a file for reconstitution of said petrol pump in favour of the informant and said Smt. Sunita Yadav and Smt. Vijendri Yadav but Dhiraj Kumar Chahar, the HPCL Sales Officer has manipulated the same and kept the matter pending. Later on the informant came to know that said Deepak Krishna Chandak and the Sales Officer HPCL, namely Dhiraj Kumar Chahar have applied for transfer of said petrol pump in favour of some other persons, namely Amrish Kumar Tiwari and Anita Saxena. The informant has preferred an application before the regional office HPCL, Agra and a team of two members was constituted to look into the matter. Subsequently co-investors of petrol pump, namely Smt. Sunita Yadav and Smt. Vijendri Yadav have started demanding their money back and in that connection an agreement was prepared and informant has returned their amount of Rs.70,32,000/-. After that applicant and his son Yogendra Singh came into picture by way of sale-deed of the land of petrol pump by paying Rs. 27 lacs. They have taken an amount of Rs. 10 lacs from the informant into the account of co-accused Yogendra Singh and subsequently a partnership deed dated 17.08.2020 was prepared and that applicant and informant have jointly applied for reconstitution of the petrol pump online and offline but thereafter password and user ID of the said petrol pump/HPCL retail outlet was changed by the G.M. of HPCL. Thereafter, an offline file/application was preferred by the applicant and he got the petrol pump issued in favour of his son illegally in connivance with the officials of HPCL. The applicant is a main culprit and informant has been cheated in tune of huge amount. Referring to the conduct of applicant and allegations made against him, it was submitted that there are serious allegations against the applicant and thus, he is not entitled for anticipatory bail.

8. I have considered rival submissions and perused the record.

9. It appears from record that matter relates to transfer/reconstitution of a petrol pump/HPCL outlet which was owned by co-accused Deepak Krishna Chandak. Initially he has transferred sale-deed of the property of said HPCL outlet in favour of informant and one Smt. Sunita Yadav and Smt. Vijendri Yadav and that application was made for transfer/reconstitution of the said petrol pump/outlet in favour of them but meanwhile applicant has purchased the share of said Smt. Sunita Yadav and Smt. Vijendri Yadav and licence of said petrol pump/outlet was got issued in favour of co-accused Yogendra Singh, who is son of applicant-accused. Applicant is stated 70 years old person. It could not be disputed that during investigation, applicant has co-operated with the investigating agency and now charge-sheet has already been filed.

10. It may be stated that in case of *Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

11. In the instant case, considering the settled principle of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion on merits, a case for anticipatory bail is made out. Accordingly, the instant second anticipatory bail application is hereby allowed.

12. In the event of arrest of the applicant- Ramesh Chandra involved in the aforesaid case crime shall be released on anticipatory bail on his furnishing a personal bond of Rs. 80,000/- with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station concerned/court concerned with the following conditions :-

- i. The applicant shall not tamper with the evidence during the trial.
- ii. The applicant shall not pressurize/ intimidate the prosecution witness.
- iii. The applicant shall appear before the trial court on the date fixed, unless personal presence is exempted.
- iv. The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- v. 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

13. In case of breach of any of the above condition, the court concerned shall be at liberty to cancel bail of applicant in accordance with law.

Order Date :- 1.4.2025 Anand