

Deepak Kumar Maurya @ Deepak vs State Of U.P. Thru. Prin. Secy. Home Lko. ... on 4 February, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:7409

Court No. - 15

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 2371 of 2024

Applicant :- Deepak Kumar Maurya @ Deepak

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And Another

Counsel for Applicant :- Abhishek Srivastava,Gopal Krishna Dixit,Himanshu Deepak,Surendr

Counsel for Opposite Party :- G.A.,Mata Prasad Chaturvedi,Shiv Kumar Yadav

Hon'ble Shree Prakash Singh,J.

1. From perusal of the order sheet, it transpires that the notice has been issued to complainant/ informant/ opposite party no.2 and as per the office report the same has also been served but no one is present for the opposite party no.2. Time was also granted to the opposite parties to file counter affidavit but no counter affidavit has been filed till today.
2. Heard learned counsel for the applicant, learned AGA for the State and perused the material placed on record.
3. Instant application has been filed with the prayer to enlarge the accused-applicant on anticipatory bail in Case Crime No. 0271 of 2024, under sections 419, 420, 467, 468 and 471 of IPC P.S.- Gosaiganj District - Lucknow.
4. From perusal of the order sheet, it appears that on 06.11.2024, the following order was passed:-

"Heard learned counsel for the applicant, 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 anticipatory bail in Case Crime No. 0271 of 2024, under sections 409, 420, 467, 468 and 471 of IPC P.S.- Gosaiganj District - Lucknow.

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 a sale deed was executed for an amount of Rs. 19,50,000/- which was taken in account by the applicant and there was no criminal intent to commit any offence. He added that the whole transaction is civil in nature and i.e being given colour of criminality. He further submits that the applicant is ready to repay and compensate the sale consideration which he has received as a sale consideration of excess share. He also submits that the applicant has not committed any offence. He further added that the applicant will not abscond and he would always cooperate with the investigation proceedings as well as in the trial proceedings. He also submits that there is apprehension that the applicant will be arrested by the police thus, submission is that the the applicant may be granted anticipatory bail.

On the other hand, learned AGA appearing for the State has opposed the submissions aforesaid and submits that in fact the applicant is the owner of land in question i.e. area of 0.54 Hectare and he has knowingly sold out the land of 0.105 Hectare which is apparently an offence and thus, after thorough investigation it was found that he was involved in the same as such, he is not entitled to be released on anticipatory bail.

Considering the aforesaid facts and circumstances of the case and particularly the undertaking given in paragraph no. 22 of the affidavit filed in support of the anticipatory bail application, till the next date of listing, the present applicant-Deepak Kumar Maurya @ Deepak shall be released forthwith in the aforesaid case crime (supra) on an interim anticipatory bail on his furnishing personal bond and two solvent sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

- (i) that the applicant shall make himself available for interrogation by a police officer as and when required;
- (ii) that 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 officer or tamper with the evidence;

(iii) that the applicant shall not leave India without the previous permission of the court;

(iv) that in case chargesheet is submitted the applicant shall not tamper with the evidence during the trial;

(v) that the applicant shall not pressurize/ intimidate the prosecution witness;

(vi) that the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;

(vii) that in case of breach of any of the above conditions the court concerned shall have the liberty to cancel the bail.

Let notice be issued to opposite party no. 2, by both ways, returnable at an early date.

Steps be taken within a week.

If steps are taken, office shall proceed accordingly.

List/put up this matter on 19.11.2024, within top 10 cases.

In the meantime, the State as well as opposite party no. 2 may file their counter affidavits. "

5. From perusal of the order dated 06.11.2024, it transpires that State counsel has failed to demonstrate that there is any adversarial fact which are pleaded in the bail application. This Court finds that the applicant was enlarged on an interim anticipatory bail after thorough considering the merits of the case. The learned counsel for the State has also failed to substantiate that the present applicant is not cooperating with the investigation proceedings.

6. In view of the aforesaid, the present anticipatory bail application is hereby allowed while extending anticipatory bail to the applicant, namely, Deepak Kumar Maurya @ Deepak till disposal of the trial subject to the following conditions:-

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

(ii) that 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 officer or tamper with the evidence;

(iii) that the applicant shall not leave India without the previous permission of the court;

(iv) that the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted; and

(v) that the applicant shall not pressurize/intimidate the prosecution witness.

7. In case of default, it would be open for the Investigating Agency to move application for vacation of this interim protection.

Order Date :- 4.2.2025 Mohd. Sharif