

Mansingh And Another vs State Of U.P. on 4 February, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:15584

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 481 of 2025

Applicant :- Mansingh And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Noor Muhammad, Yogesh Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Supplementary affidavit filed by the applicants is taken on record.
2. Learned counsel for the applicants submitted that due to mistake earlier bail of the applicants could not be dismissed by the court concerned for the offense under Section 3/21 B.U.D.S. Act but now order dated 26.11.2024 passed by the court concerned has been corrected, therefore, he may be permitted to make necessary corrections in the prayer clause of the instant bail application.
3. Learned AGA is having no objection.
4. In view of the above, learned counsel for the applicants is permitted to make necessary corrections in the prayer clause of the instant bail application during the course of date itself.
5. Heard Sri Yogesh Kumar Srivastava, learned counsel for the applicants and Sri Shatrughna Yadav, learned AGA for the State-respondent.

6. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 261 of 2024, under Sections 111, 61(2), 318, 336(3), 340(2), 351(3) BNS and 3/21 B.U.D.S. Act, Police Station- Talbehath, District- Lalitpur, during pendency of the trial in the court below.
7. Learned counsel for the applicant submitted that applicants were not named in the FIR and as per FIR, the LUCC company after receiving money from the investor duped them and did not return their amount but during investigation, applicants have been made accused in the present matter on the ground that they were one of the agents in LUCC company.
8. He further submitted that merely being agent of company, applicants cannot be held liable, if subsequently company failed to repay the amount to its investors.
9. He further submitted that even arrest of Sri Manvendra Dwivedi, the Chairman of LUCC company, has been stayed by this Court vide order dated 18.11.2024 passed in Criminal Misc. Writ Petition No. 15711 of 2024.
10. He further submitted that applicants are petty agents of the company and they were not having any concern with the working of the company.
11. He further submitted that applicants were not having any previous criminal history but subsequent to the present matter, they were made accused in as many as 10 cases with similar allegations and criminal history of the applicants has been explained in the instant bail application.
12. He further submitted that, however, in the present matter applicants have also been challenged for the offense under Section 111 BNS i.e. for organized crime but there is no evidence of organized crime against the applicants and merely on the basis of subsequent criminal history and the fact that they are one of the agent of the company, it cannot be said that applicants involved in commission of offense of organized crime.
13. He further submitted that except the offense under Section 111 BNS i.e. for organized crime, all the other offenses are tribal by Magistrate-I Class and in the present matter, applicants are in jail since 23.08.2024 i.e. for last more than four months.
14. Per contra, learned AGA, however, opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicants.
15. I have heard both the parties and perused the record of the case.
16. From the record, it reflects that applicants were not named in the FIR and during investigation, they were made accused in the present matter on the ground that they were also one of the agents in LUCC company. From the record, it also reflects that being agents of the company, applicants deposited money of the investors in the company but after that company failed to repay the amount of its investors and considering this fact, the argument advanced by learned counsel for the applicants that being agent of the company, applicants cannot be held liable, if subsequently

company failed to repay the amount to its investors, cannot be completely ruled out.

17. Further, however, apart from the present case, applicants are having criminal history of 10 other cases but it appears that applicants were not having any previous criminal history and subsequent to the present case, they have been made accused in all these cases on the basis of similar allegation.

18. Further, in the present matter, however, applicants have also been challaned for the offense under Section 111 BNS i.e. for organized crime but it appears that there is no cogent evidence against them on record with regard to offense under Section 111 BNS.

19. Further, except the offense under Section 111 BNS, all the other offenses are triable by Magistrate-I Class.

20. Further, in the present matter, applicants are in jail since 23.08.2024 i.e. for last more than 5 months.

21. Further, record also suggests that arrest of Sri Manvendra Dwivedi, the Chairman of LUCC company, has been stayed by Division Bench of this Court.

22. Therefore, considering the facts and circumstances of the case discussed above, in my view applicants are entitled to be released on bail.

23. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

24. Let the applicants- Mansingh and Ashok Ahirwar be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicants shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicants shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activities.

25. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

26. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the

merits of the case during trial.

Order Date :- 4.2.2025 KK Patel