

Satyaveer Singh Chauhan vs State Of U.P. Thru. Dir. Of U.P. ... on 4 February, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:7426

Court No. - 15

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 2304 of 2024

Applicant :- Satyaveer Singh Chauhan

Opposite Party :- State Of U.P. Thru. Dir. Of U.P. Vigilance Est. T.C.V. 44 Lko.

Counsel for Applicant :- Vikas Vikram Singh,Rishabh Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

1. Rejoinder affidavit filed today by learned counsel for the applicant is taken on record.
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/FIR No. 23/2024, under Sections 13(2) and 13(1)(b) of Prevention of Corruption Act, 1988, P.S.- U.P. Vigilance Establishment, District- Lucknow.
4. From perusal of the order sheet, it appears that on 04.10.2024, the following order was passed:-

"Heard learned counsel the applicant and learned A.G.A. for the State.

The present bail application under Section 438 Cr.PC. has been filed seeking anticipatory bail in case crime/FIR No. 23/2024, under Sections 13(2) and 13(1)(b) I.P.C., P.S. U.P. Vigilance Establishment, District Lucknow.

Learned counsel for the applicant submits that FIR in question has been lodged on the basis of letter dated 12.06.2020 issued by the U.P. Vigilance Department. The letter was challenged by the petitioner in Writ Petition No. 21110 (SS) of 2020 "Jaikar Singh and others Vs. State of U.P. and others", wherein the interim order was passed by the court on 20.12.2021 restraining the respondents/petitioners to furnish any information regarding their assets.

It has been further submitted that before lodging the FIR, at least, a leave should have been obtained from this Court. Even otherwise from bare perusal of the FIR, it appears that there is no check period mentioned therein. The FIR is nothing but an attempt to harass the applicant.

Learned counsel for the applicant submits that the applicant is not a previous convict; he has no criminal antecedents and he undertakes to cooperate in the investigation.

Learned Addl. Government Advocate prays for and is allowed 15 days' time to file counter affidavit.

List on 22.10.2024.

On due consideration to the submission advanced, so also the order of the coordinate Bench of this Court mentioned above; the applicant is not a previous convict and having no criminal history and also considering the judgment in Sushila Aggarwal and others versus State (NCT of Delhi) and another (2020)5 SCC 1 and without entering into the merit of the case, as an interim measure, it would be appropriate to grant interim protection to the applicant under Section 438 Cr.P.C.

Till the next date of listing, it is provided that in the event of arrest, the applicant shall be released on bail on his furnishing a personal bond and two sureties of the like amount to the satisfaction of the arresting officer/I.O./S.H.O. concerned.

The applicant shall report to the investigating officer within twenty days from today. He shall cooperate in the investigation and he will not influence the witness. The accused-applicant will remain present as and when the arresting officer/I.O./S.H.O. concerned call(s) for investigation/interrogation. The applicant shall not leave India without previous permission of the Court.

In case of default, it would be open for the investigating agency to move application for vacation of this interim protection. "

5. Learned State Counsel has pointed out that the applicant is not cooperating in the investigation proceeding, he has specifically stated in paragraph 9 and 43 of the counter affidavit. Thus, submissions is that the interim bail granted to the applicant may be rejected.

6. Learned counsel appearing for the applicant has vehemently opposed the contention aforesaid and submits that the fact narrated in paragraph 9 and 43 of the counter affidavit is beyond the truth as after the applicant was enlarged on anticipatory bail on 04.10.2024, he cooperated while search of the bank locker on 01.10.2024 and further on 05.10.2024. He submits that the applicant had also wrote a letter on 10.10.2024 and adding to the Investigating Officer regarding the fact that there is no check period and thus, he was also in touch with the Investigating Officer.

7. Further submission is that the applicant is in contact with the mobile phone bearing mobile no.9889834353 of the Investigating Officer and he had called him on mobile phone twice. Further submission is that the applicant has also visited the office of the Vigilance Department, Vibhuti Khand between 14.10.2025 to 25.10.2025 for providing the required information and thus fact can be verified from the visitor register of the Department.

8. Having heard the arguments of learned counsel for the parties, it transpires from the specific averment made in paragraph 9 of the rejoinder affidavit that the applicant is cooperating in the investigation proceedings as the specific date and time are mentioned when the Investigating Officer visited for search of the bank locker of the wife of the applicant as well as the applicant and he cooperated the Investigating Officer for such. Further the applicant has himself visited the office of the Vigilance Department and the dates in between the same, the applicant has visited the office is also mentioned in paragraph 9(vi).

9. In this view of the matter, this Court finds that the applicant is cooperating in the investigation proceedings and from perusal of the order dated 04.10.2024, 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.

10. In view of the aforesaid, the present anticipatory bail application is hereby allowed while extending anticipatory bail to the applicant, namely, Satyaveer Singh Chauhan 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.

11. 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