

Ajay Kumar Sharma @ Ankur @ Sonu @ Chotu vs The State Of U.P. on 20 July, 2022

Bench: Indira Banerjee, V. Ramasubramanian

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION(CRIMINAL) NO. 151 OF 2022

AJAY KUMAR SHARMA @ ANKUR @ SONU @ CHOTU

VERSUS

THE STATE OF U.P. & ANR.

O R D E R

Heard learned counsel for the parties.

In this Writ Petition under Article 32 of the Constitution of India, the petitioner has prayed for directions of this Court for his release on interim bail in connection with FIR No. 685/2020 lodged against him at Police Station Vrindavan, District Mathura, Uttar Pradesh under Sections 406, 420, 467, 468, 471 and 506 of the Indian Penal Code.

It appears that about 16 FIRs were lodged against this petitioner on the basis of similar allegations. The petitioner has been granted bail in relation to 15 of those FIRs.

Mr. Vikas Singh, learned Senior Counsel appearing for the Petitioner submits that the petitioner was a petty employee of the company that was allegedly involved in a franchisee racket. It is nobody's case that the Petitioner misappropriated the money paid by the Complainants or any other franchisees. Reason: As noted by the High Court of Judicature at Allahabad in its order dated 15th March 2022 in Criminal Miscellaneous Bail Application No. 54813 of 2021, whereby the petitioner had been granted bail in connection with Case Crime No. 343/2020 under Sections 420, 406 and 506 of the Indian Penal Code at Kotwali Police Station in District Mathura, the State failed to demonstrate that the petitioner was either Director or signatory or otherwise in-charge of running the company. The State has not been able to do so, even before this Court. The State has not been able to explain why the custodial interrogation of the petitioner should be necessary.

Without going into the merits of the allegations, taking a prima facie view of the materials on record as against this petitioner and the fact that the petitioner has been in custody for about two years, we deem it appropriate that the petitioner be released on interim bail on conditions as may be imposed by the concerned Chief Judicial Magistrate, which should include amongst any other conditions that may be imposed by the Chief Judicial Magistrate, the conditions stipulated in the order dated

15.03.2022 of the High Court of Judicature at Allahabad. The Writ Petition is disposed of.

Pending applications, if any, stand disposed of accordingly.

..... J.

[INDIRA BANERJEE] J.

[V. RAMASUBRAMANIAN] JULY 20, 2022 NEW DELHI.

ITEM NO.20

COURT NO.7

SECTION X

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Writ Petition(Criminal) No.

151/2022

AJAY KUMAR SHARMA @ ANKUR @ SONU @ CHOTU

Petitioner(s)

VERSUS

THE STATE OF U.P. & ANR.

Respondent(s)

Date : 20-07-2022 This petition was called on for hearing today. CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN For Petitioner(s) Mr. Vikas Singh, Sr. Adv.

Mr. Prem Prakash, AOR Mrs. Vineeta Singh, Adv.

Mr. Shikhar Bhardwaj, Adv.

Mr. Abhijit Bhatnagar, Adv.

Mr. Akash Bhushan, Adv.

For Respondent(s) Mr. Ardhendmauli Kumar Prasad, AAG Mr. Vishnu Shankar Jain, AOR Mr. Siddharth Krishna Dwivedi, Adv.

UPON hearing the counsel the Court made the following O R D E R Heard learned counsel for the parties.

Without going into the merits of the allegations, taking a prima facie view of the materials on record as against this petitioner and the fact that the petitioner has been in custody for about two years, we deem it appropriate that the petitioner be released on interim bail on conditions as may be imposed by the concerned Chief Judicial Magistrate, which should include amongst any other conditions that

may be imposed by the Chief Judicial Magistrate, the conditions stipulated in the order dated 15.03.2022 of the High Court of Judicature at Allahabad. The Writ Petition is disposed of in terms of the signed order. Pending applications, if any, stand disposed of accordingly.

(MANISH ISSRANI)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)

(SIGNED ORDER IS PLACED ON THE FILE)