

Siddhant Chaudhary vs State Of U.P. Thru. Prin. Secy. Home Lko. on 6 January, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:734

Court No. - 15

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 2264 of 2024

Applicant :- Siddhant Chaudhary

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

Counsel for Applicant :- Santosh Srivastava,Pawan Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material placed on record.

The present bail application under Section 438 Cr.PC. has been filed seeking anticipatory bail in case crime No. 325 of 2024, under Sections 305(a), 331(3) of B.N.S., P.S.- Ghazipur, District-Lucknow.

From perusal of the order sheet, it appears that on 1.10.2024 following order was passed wherein the present applicant has been granted interim anticipatory bail:-

"1.The present anticipatory bail application under Section 438 Cr.P.C. has been filed seeking anticipatory bail in case crime No.325 of 2024 under sections 305(a), 331(3) Bhartiya Nyaya Sanhita, P.S. Ghazipur, district Lucknow.

2. Heard learned counsel for the applicant who has filed supplementary affidavit which is taken on record, and learned Additional Government Advocate for the State.

3. It is alleged in the prosecution case that the informant has married the applicant. Both of them lived together for five years, however, the applicant is alleged to have performed engagement with someone else. It is further alleged that the applicant Siddhant Chaudhary broke lock and stole fridge, TV, cooler, inverter and Rs.20,000/- in cash while she was on duty.

4. Learned counsel for the applicant submits that the informant is a married lady. No divorce has been granted by any Court. Simply because the applicant refused to enter into marriage with her, she got annoyed and filed a civil suit No.1182 of 2023 pending before the Civil Judge (Junior Division), Unnao for permanent injunction against the applicant. Only in order to give criminal colour to already pending dispute which is civil in nature, the present first information report has been lodged. The applicant has been falsely implicated.

Learned counsel for the applicant undertakes that the applicant shall cooperate in the investigation.

5. Learned Addl. Government Advocate has opposed the prayer made by applicant's counsel but could not dispute the argument advanced by learned counsel for the applicant.

6. List on 23.10.2024. In the meantime, learned A.G.A. shall file objections/counter affidavit.

7. Considering the above aspects of the matter, the fact that the applicant has no criminal history, the undertaking given on behalf of the applicant that he will cooperate in the investigation, perusal of the record, civil suit is pending between the applicant and the complainant, possibility of false implication cannot be ruled out, delay in lodging first information report, as also 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, it would be appropriate to grant protection to the applicant under Section 438 Cr.P.C.

8. In view of the above, it is provided that in the event of arrest, the applicant shall be released on anticipatory bail on his furnishing a personal bond and two sureties of the like amount to the satisfaction of the investigating officer.

9. The applicant shall cooperate in the investigation and he will not influence the witnesses.

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

State counsel has failed to demonstrate from the counter affidavit that there is any adversarial fact which are pleaded in the bail application. This Court finds that the applicant was enlarged on anticipatory bail after thorough considering the merits of the case. It has also not been pleaded by counsel for the State that the present applicant is not cooperating with the trial proceedings.

In view of the aforesaid, the present anticipatory bail application is hereby disposed of while extending anticipatory bail to the applicant namely, Siddhant Chaudhary, 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.

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

Order Date :- 6.1.2025 Shravan