



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 46057 of 2025

Mohd. Waseem

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Deepanker Pandey, Pradeep Kumar Srinette
Counsel for Opposite Party(s)	:	Baldev Shukla, G.A.

Court No. - 69

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Pradeep Kumar Srinette, learned counsel for the applicant, Sri Baldev Shukla, learned counsel for the first informant and Sri D.P.S. Chauhan, learned A.G.A. for the State.

2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 533 of 2017, under Sections 406, 419, 420, 467, 468, 471 IPC, Police Station- Phoolpur, District Prayagraj.

3. Contention of learned counsel for the applicant is that as per prosecution story the applicant was agent of a company namely Matra Pitra Sahyog Agrotech Ltd., office at Civil Lines, Prayagraj on behalf of company he approached to first informant and his family members, who deposited rupees six lakh in the aforesaid company with assurance that the investors will get handsome return after five years and in lieu of that receipts and bonds were also issued on behalf of company. Subsequently, director of the company after closing its office run away and FIR was lodged against the applicant. It is further submitted that though the amount was deposited in the company and it is admitted case of the first informant that even then the applicant himself paid Rs.5,00,000/- to the first informant and an agreement was entered into between the applicant and first informant to pay remaining amount i.e. Rs.03,30,000/- which includes invested amount and interest. It is also submitted by counsel for the applicant that though misappropriation of money was done by the company namely Matra Pitra Sahyog Agrotech Ltd., but police neither investigated the role of the company nor arrested the director of the company.

4. This fact is not disputed by the counsel for the first informant and submits that if the applicant pays the remaining amount of Rs.3.30,000/- then he will withdraw her case.

5. Considering the aforesaid submissions, learned AGA is directed to seek instructions whether any investigation was conducted against the company namely Matra Pitra Sahyog Agrotech Ltd., as well as role of its director whether any of the directors was

arrested by the police if not reason thereof and present status of investigation.

6. However, considering the role of the applicant as well as taken into account that he has already paid Rs.5 lakh to the first informant and assures to pay Rs.3,30,000/- after release, this Court is of the view that the applicant is entitled to be released on interim bail, till next date of listing.

7. Let the applicant- **Mohd. Waseem** involved in the aforementioned crime be released on **interim bail**, on his furnishing a personal bond and one surety each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

i. 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.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on interim bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of interim bail.

9. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

10. It is made clear that the applicant shall be released on the basis of downloaded copy of this order from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

11. It is directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

12. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No. 4 of 2021 decided on 31.01.2023** reported in (2024) 10 SCC 685.

13. List this case on 29.01.2026 as fresh. On that date, the concerned I.O. will also appear in person before this Court along with relevant record.

14. Learned AGA vehemently opposed that direction for providing one surety cannot be made as this discretion should be left to concerned Magistrate under Section 441 Cr.P.C. and also submitted that observation made in **Bachhi Devi vs State of U.P. passed in Application U/S 528 BNSS No.6400 of 2025** requires consideration.

15. On the next date, the learned AGA will also address this Court on this issue whether direction made in **Bacchi Devi's case (supra)** is in accordance with statutory provision of the judgement of Apex Court in **Satendra Kumar Antil Vs. Central Bureau of Investigation and Another** reported in (2021) 10 SCC 773.

January 14, 2026
A.Kr.

(Arun Kumar Singh Deshwal,J.)