A.F.R.

Neutral Citation No. - 2025:AHC:92783

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10409 of 2025
Applicant :- Shakeel Ahmad
Opposite Party :- State of U.P.
Counsel for Applicant :- Ashwani Kumar Sachan,Gaurav Kumar Srivastava,Saurabh Sachan,Shubham

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicant and learned Additional Government Advocate for the State of U.P. and perused the record.

2-The instant bail application has been preferred by the applicant-Shakeel Ahmad with a prayer to release him on bail in Case Crime No. 01 of 2025, under Section 7 of Prevention of Corruption Act, Police Station Anti Corruption Mirzapur, District Mirzapur during the pendency of trial.

3-As per the prosecution case in brief, the complainant-Pramod Kumar Singh made a complaint dated 20.02.2025 to the Inspector Vinay Singh, Anti Corruption Organization, Mirzapur making allegations inter alia that on 09.01.2025, a first information report was lodged by Mr. Deepak Kumar Rajbhar at Case Crime No. 0008 of 2025, under Sections 303(2), 317(2) of B.N.S., Section 4/21 Mines and Minerals Act and Section 3 of Prevention of Damage to Public Property Act against unknown person, in which applicant-Shakeel Ahmad was the investigating officer, who demanded bribe of Rs. 15,000/- from complainant-Pramod Kumar Singh for not revealing his name as an accused in that case but the matter was settled for Rs. 5,000/-. F.I.R. further alleges that taking cognizance of the said complaint, a preliminary enquiry was conducted for prima facie satisfaction to proceed further in

the matter. On being satisfied with the opinion given in the enquiry report, a trap team was constituted to catch the applicant red handed while accepting bribe. Accordingly the trap team along with independent witnesses and complainant proceeded to the designated place to execute the trap proceeding. It is the case of the prosecution that the complainant took out the treated bribe notes Rs.5000/- from his pocket and gave to the applicant. The moment the applicant accepted bribe, the trap team nabbed him red handed. Thereafter Mr. Inspector Vinay Singh, Anti Corruption Organization, Mirzapur got a first information report lodged in the matter on 22.02.2025.

4-The submissions of learned counsel for the applicant are as under:-

i-The applicant was not the investigating officer of Case Crime No. 8 of 2025, therefore, there was no occasion for the applicant to make any demand of bribe as alleged in the F.I.R. dated 22.02.2025.

ii-No date and place of alleged demand of bribe by the applicant has been disclosed by the complainant.

iii-The F.I.R. of Case Crime No. 8 of 2025 was registered on 09.01.2025 and investigation of the said case was handed over to Mr. Mahendra Ram Bharti.

iv-Thereafter In-Charge Inspector, P.S. Jigana, District Mirzapur passed an order dated 10.01.2025, whereby he allotted further investigation of Case Crime No. 08 of 2025 to the applicant (S.I. Shakeel Ahmad). Since the applicant was assigned duty in Mahakumbh, 2025, therefore he was unable to conduct the investigation. Accordingly, he did not conduct any investigation of the said case and earlier investigating officer, Mr. Mahendra Ram Bharti has prepared the Case Diary No. 3 dated 11.01.2025.

v-On the strength of aforesaid facts, much emphasis has been given by contending that the applicant has been falsely implicated in this case.

vi-It is also pointed out that vide order of this Court dated 15.04.2025, the Superintendent of Police, Anti Corruption Organization, Varanasi was directed to ensure the production of the complainant before the trial court for recording his statement, but the same has also not been done as the concerned trial court is running vacant.

vii-Lastly it is submitted that the applicant is languishing in jail since 22.02.2025, therefore, he is entitled to be released on bail.

5-In order to clarify the aforesaid factual aspect of the matter, as argued by learned counsel for the applicant, on 28.05.2025 following order was passed by this Court:-

> *"As per the prosecution case in brief, allegation against the applicant is that a first information report was lodged by Mr. Deepak Kumar Rajbhar on 09.01.2025 at Case Crime No. 0008 of 2025, under Sections 303(2), 317(2) B.N.S., 4/21 Mines and Minerals Act and Section 3 of Prevention of Damage to Public Property Act against unknown person, in which present applicant-Shakeel Ahmad was the investigating officer. Since the F.I.R. was lodged against unknown person, therefore, applicant demanded a bribe of Rs. 15,000/- from Pramod Kumar Singh (complainant of the present case) on the pretext that he will not include his name as an accused in Case Crime No. 0008 of 2025, accordingly, the said matter was settled for Rs. 5,000/-. It is the case of the prosecution that the applicant was caught red handed while accepting bribe of Rs. 5,000/-.*
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> *The main substratum of argument of learned counsel for the applicant is that the applicant has*

not conducted the investigation of aforesaid Case Crime No. 0008 of 2025, therefore, there was no occasion for the applicant to make demand of alleged bribe.

On putting query in this regard, learned A.G.A. is not in a position to apprise the Court about the said submission raised on behalf of the applicant.

In view of the above, Mr. Krishna Mohan Rai, Inspector Anti Corruption Organization, Mirzapur who is the investigating officer of this case being Case Crime No. 01 of 2025, under Section 7 of Prevention of Corruption Act, Police Station Anti Corruption Mirzapur, District Mirzapur is directed to appear in person before this Court tomorrow (29.05.2025) at 10:30 a.m. along with complete case diary of Case Crime No. 8 of 2025 to assist learned A.G.A.

Put up this case for tomorrow i.e. 29.05.2025 as fresh.

Registrar (Compliance) of this Court as well as learned A.G.A. shall communicate this order to Superintendent of Police, Mirzapur as well as Mr. Krishna Mohan Rai, Inspector Anti Corruption Organization, Mirzapur today itself."

6-Pursuant to aforesaid order of this Court, Mr. Krishna Mohan Rai, Inspector, Anti Corruption Organization, Mirzapur who is the investigating officer of the present case being Case Crime No. 01 of 2025 is personally present before this Court and produced the case diary of Case Crime No. 08 of 2025 for perusal of the Court.

7-On going through the case diary of Case Crime No. 08 of 2025, I find that on 11.01.2025, S.I. Mahendra Ram Bharti, has conducted the investigation and also prepared Case Diary No. 3. Thereafter, Case Diary No. 4 was prepared / written on

28.02.2025 by S.I. Chandra Shekhar and he has mentioned that earlier investigation of this case was being conducted by S.I. Shakeel Ahmad Khan (applicant), whereas there is nothing on record to indicate that the present applicant has ever prepared /written any paper of case diary, as such, wrong averment has been mentioned in Case Diary No. 4 dated 28.02.2025 by the second investigating officer-S.I. Chandra Shekhar that earlier investigation of this case was being conducted by the applicant.

8-Mr. Krishna Mohan Rai, Inspector, Anti Corruption Organization, Mirzapur also admits before this Court that the record of this case was also never handed over to Mr. Shakeel Ahmad Khan (applicant) for investigation.

9-Having heard the submissions of learned counsel for the parties and investigating officer of the present case and perusing the record, I find that Mr. Krishna Mohan Rai, investigating officer of this case has not conducted fair investigation and he did not take pain to verify impartially whether the applicant-Shakeel Ahmad Khan had ever conducted any investigation in Case Crime No. 8 of 2025. In view of the above, I find force in the submission of learned counsel for the applicant that applicant never conducted investigation of case crime no. 08 of 2025 and no record was given to him.

10-Considering the facts and circumstances of the case as well as keeping in view the nature of the offence, evidence, complicity of the accused and submissions of the learned counsel for the parties as well as status of trial of the applicant as noted above, this Court is of the view that the applicant has prima-facie made out case for bail. Hence, the bail application of the applicant is hereby allowed.

11-Let the applicant-Shakeel Ahmad, be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the

satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

(i) That the applicant shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(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 after his release, the applicant shall not involve in any criminal activity.

(iv) The identity, status and residential proof of sureties will be verified by court concerned before the release of the applicant on bail.

12-Before parting with the case, it is relevant to mention that pursuant to order of this Court dated 28.05.2025, Mr. Krishna Mohan Rai, Inspector, Anti Corruption Organization, Mirzapur, who is investigating officer of this case appeared before this Court without wearing his proper uniform, as prescribed to his post. He appeared before this Court wearing coloured shirt and pant, whereas he has come to this Court in capacity of investigating officer to attend Court proceedings and to assist the learned State counsel. The police officers are expected to wear prescribed uniform while appearing before Courts. The appearance of any police officer wearing causal civil clothes in Court proceeding amounts to violation of decorum of the Court and undermining the Court proceedings. Learned A.G.A. appearing for the state also apprised this Court that when he interrupted Mr. Rai for not coming in proper uniform, he became angry and his gesture towards him was inappropriate. Such conduct of Mr. Krishna Mohan Rai is deprecated by this Court and he is warned to be careful in future.

13-In view of the observations made in paragraph no. 12 of this order, the Director General of Police, U.P. Lucknow is directed to look into the matter and issue necessary directions/guidelines to all concerned that whenever they appear before any Court for judicial function in official capacity, they should wear proper uniform prescribed to their posts.

14-Registrar (Compliance) of this Court is directed to communicate this order to the Director General of Police, U.P. Lucknow within a week for compliance of the directions mentioned in paragraph no.13 of this order.

15-Copy of this order be also sent to the Principal Secretary (Law), State of U.P. for information.

16-The compliance of this order shall be communicated to this Court within six weeks through Registrar General, High Court, Allahabad.

Order Date :- 29.5.2025
Saurabh