HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 10645 of 2026

Vivek Yadav

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Kuldeep Kumar
Counsel for Opposite Party(s)	:	G.A., Ram Krishna Mishra, Ram Raj Pandey, Shubham Pandey, Suresh Chand Yadav

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Court No. - 70

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard Learned counsel for the applicant, Shri Ram Raj Pandey and Shri Ram Krishna Mishra, Learned counsel appearing for the informant and Learned A.G.A. for the State as well as perused the record.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.1204 of 2025, under Section - 318(4), 338, 336(3), 340(2) BNS, Police Station - Sikandrabad, District - Bulandshahr, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the abovementioned case.

3. Learned counsel for the applicant submits that the applicant is not named in the FIR. The FIR has been lodged against the father of the applicant. Learned counsel states that the father of the applicant Dharamveer Singh and the informant Omveer Singh are shareholders in DSY Super Infra Private Ltd. Company. The father of the applicant has fifty percent share Dharamveer Singh has forty percent share and Omveer has ten percent share. Learned counsel for the applicant has contended that the company deals in sale and purchase of plots. Numerous sale deeds have been executed by Dharamveer Singh and many sale deeds have been executed by the father of the applicant.

4. The learned counsel for the applicant has further contended that the applicant has got nothing to do with the day to day affairs of the Company. The only evidence that has been collected during investigation against the

applicant is of receiving thirty lakhs in his account. The allegation is that the money ought to have been deposited in the account of the Company and not in the personal account of the applicant. The learned counsel for the applicant has contended that there is a dispute with respect to money amongst the shareholders of the company. The applicant has only been implicated as he is the son of Santosh Kumar Yadav, the majority shareholder of the company. The applicant has criminal history of one other case being Case Crime No. 97 of 2022, in which a final report has been submitted and has also been accepted by the Judicial Magistrate, Court No. 7, Bulandshahr, vide order dated 19.09.2023..

5. The learned counsel for the informant and the learned A.G.A. have opposed the prayer for bail and contended that numerous sale deeds were executed by Santosh Kumar Yadav without authorization by the company. The money that ought to have been deposited in the accounts of the company was siphoned off or usurped by Santosh Kumar Yadav. Part of the sale consideration of the properties belonging to the company was also transferred in the account of the applicant. The applicant being the direct beneficiary of the money obtained from sale of the property belonging to the company and also being the son of Santosh Kumar Yadav is directly involved in the conspiracy and may not be considered for grant of anticipatory bail.

6. The learned counsel further submitted that the properties were to be sold by carving out plots in the form of a colony and a part of the property was to be left vacant for a *rasta* between the plots carved out for sale. The co-accused Santosh Kumar Yadav taking advantage of his position being one of the shareholders of the company has sold out the *rasta*. The said money has also not been deposited in the account of the company but the same has been misappropriated by Santosh Kumar Yadav and the applicant. Learned counsel has further submitted that it is wrong to state that part of the sale consideration was transferred in the account of the applicant. In fact the entire sale consideration for the sale deeds has been transferred in the account of the applicant. The applicant being the direct beneficiary of the sale deed may not be considered for grant of anticipatory bail.

7. I have considered the submissions made by the Learned counsels for the parties.

8. Father of the applicant is stated to be fifty percent shareholder of the company. The applicant has denied any concern with the company nor is he employed in the company. The only allegation against the applicant is of receiving sale consideration for properties sold by his father which ought to have gone into account of the company. Numerous sale deeds have been executed by Dharamveer Singh on behalf of the company and some of the sale deeds have been executed by Santosh Kumar Yadav on behalf of the company. In the prima facie opinion of the court there appears to be some dispute with respect to the distribution of the sale proceeds and the sale deeds executed on behalf of the company. Mere deposit of the sale consideration of property sold by the father of the applicant on behalf of the company in his account would not necessarily incriminate the applicant. The applicant was not in any manner entrusted with the property of the company. The case of the applicant is distinguishable from that of accused Santosh Kumar Yadav.

9. Taking into account the facts and circumstances of the case, I deem it appropriate to enlarge applicant on anticipatory bail.

10. In view of the above, the anticipatory bail application of the applicant is ***allowed***.

11. In the event of the arrest of the applicant-Vivek Yadav, he shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and surety to the satisfaction of the Station House Officer of the police station/Court concerned with the following conditions:-

i. 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;

iii. that the applicant shall not leave India without the previous permission of the Court;

iv. that the applicant shall not pressurize/intimidate the prosecution witness;

12. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

13. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

October 27, 2026
Neeraj

(Rajiv Lochan Shukla,J.)

Digitally signed by :-
NEERAJ KUMAR SINGH
High Court of Judicature at Allahabad