



2026:AHC-LKO:20012

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482  
BNSS No. - 498 of 2026**

Mayoor Suryavanshi

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Opposite  
Party(s)

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| Counsel for Applicant(s)      | : Imran Asim Khan, Aishwarya Saxena |
| Counsel for Opposite Party(s) | : G.A.                              |

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**Court No. - 15**

**HON'BLE KARUNESH SINGH PAWAR, J.**

Heard Sri Purnendu Chakravarty, learned Senior Advocate assisted by Sri Imran Asim Khan, learned counsel for the applicant and learned A.G.A. for the State as well as perused the record.

Applicant seeks anticipatory bail in Case Crime No. 297 of 2025 under Seciton 409, 467, 468, 471, 120B, 201 IPC, Police Station Kotwali Nagar, District Balrampur.

In the prosecution case, the allegation is that co-accused Firoz Ahmad, who had been functioning as DCMDM for the last 5?6 years, in collusion with the concerned Pradhan/Principal of the school/madarsa, misappropriated public funds allocated under the Mid Day Meal Scheme. It is further alleged that in order to conceal such misappropriation, he fabricated documents and manipulated Excel sheets relating to the grant and disbursement of funds so that the competent district authorities might not detect the irregularities.

Learned counsel for the applicant submits that although the applicant has been named in the F.I.R., there is neither any specific allegation nor even a general imputation against him regarding misappropriation of funds, fabrication of documents, or participation in any criminal conspiracy. The entire prosecution narrative, as reflected from the F.I.R., is primarily directed against the co-accused Firoz Ahmad and certain school authorities, and not against the present applicant.

It is further contended that the offences alleged include Sections 409, 467,

468, 471, 120-B and 201 IPC. However, insofar as Section 409 IPC is concerned, it is submitted that the applicant is neither a public servant nor was he ever entrusted with any government property or funds. In the absence of entrustment, which is a sine qua non for constituting an offence under Section 409 IPC, the essential ingredient of criminal breach of trust is wholly absent. There existed no fiduciary or official relationship between the applicant and the State or any government authority. In support of this contention, reliance has been placed upon the judgments of the Hon'ble Supreme Court in **State of Gujarat v. Jaswantlal Nathalal, Sadhupati Nageswara Rao v. State of Andhra Pradesh, Bhadresh Bipinbhai Sheth v. State of Gujarat and N. Raghavender v. State of U.P.**

Learned counsel for the applicant further submits that the applicant has duly explained the criminal history of two cases in paragraph 21 of the bail application. It is contended that the applicant has been implicated only on account of his engagement as a private person for repair, renovation, and construction work in the school, or for other programmes as per the directions of the Village Pradhan, Head Master, or School Guardian Committee. It is further submitted that mere contractual engagement, in the absence of any specific act or evidence of participation in the alleged offence, does not attract criminal liability under Section 409 BNS or under any other Sections. Applicant undertakes to cooperate in the investigation.

Learned A.G.A. has opposed the bail application, contending that the case involves serious allegations of misappropriation of public money allocated for the Mid Day Meal Scheme and that the complicity of the applicant has been alleged in the prosecution case.

Perused the record.

Upon perusal of the record, it is undisputed that the applicant is not a government servant and, prima facie, does not appear to have been entrusted with any government property or public funds and placing reliance upon the judgment of the Hon'ble Supreme Court in **Sadhupati Nageswara Rao v. State of Andhra Pradesh**, and considering that the offences alleged are triable by a Magistrate, as well as the undertaking furnished on behalf of the applicant to cooperate with the investigation, I am of the considered opinion that the applicant is entitled to the grant of anticipatory bail subject to the condition that the applicant shall fully cooperate with the investigating

agency during the course of investigation.

In view of the above, it is provided that in the event of arrest, the applicant shall be released on anticipatory bail in the aforesaid Case Crime number on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the arresting officer/investigating officer/S.H.O. concerned with the following conditions:-

The applicant shall report to the investigating officer within twenty days from today. He shall cooperate in the investigation and he will not influence the witness. The accused-applicant will remain present as and when the arresting officer/I.O./S.H.O. concerned call(s) for investigation/interrogation. The applicant shall not leave the district without previous permission of the Court.

The application is **allowed**.

**March 19, 2026**

Vinay/-

**(Karunesh Singh Pawar,J.)**