

**Court No. - 40**

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**Case :- HABEAS CORPUS WRIT PETITION No. - 353 of 2021**

**Petitioner :-** Dr. Mukut Nath Verma

**Respondent :-** State Of Up And 11 Others

**Counsel for Petitioner :-** In Person (Mo. No. 8800949892), Sanjay Kumar Yadav

**Counsel for Respondent :-** G.A.

**Hon'ble Manoj Misra, J.**

**Hon'ble Syed Aftab Husain Rizvi, J.**

This habeas corpus petition has been filed by Dr. Mukut Nath Verma, Advocate with a prayer that a writ in the nature of habeas corpus be issued for production of his client Mr. Mani Lal Patidar, IPS, Ex-Superintendent of Police, Mahoba, U.P. A prayer has also been made to initiate investigation in the matter of Mr. Mani Lal Patidar through Central Bureau of Investigation.

According to the petitioner, Mani Lal Patidar is an IPS Officer of the year 2014 batch. He had been conducting operations against mining mafia and in connection therewith his relations with certain section in the administration got sour as a result, he was falsely implicated in a few cases. It is the case of the petitioner that on 15.11.2020 Mr. Mani Lal Patidar made a whatsapp call to the petitioner to inform him that he would be coming to meet him on 27.11.2020 in connection with pending legal matters. But he did not come. It is the apprehension of the petitioner that the respondents who are high ranking officials in the State Administration might have done something foul as a consequence whereof Mani Lal Patidar has gone missing and is not traceable. It is also stated that he was going to unravel some foul play in the administration therefore, it is possible, his life may be in danger. By expressing all these apprehensions, including that he might be in the unlawful custody of the respondents, this habeas corpus petition has been filed.

Sri Manish Goyal, learned Additional Advocate General, along with Sri A.K. Sand and the learned A.G.A., appeared for the State-respondents; and Sri Gyan Prakash, learned Senior Counsel, assisted by Sri Sanjay Kumar Yadav, appeared for the Central Bureau of Investigation through video conferencing.

Sri Manish Goyal had supplied hard copy of certain papers to the Bench Secretary for being placed before the Bench when the matter is taken up by the Court. On the basis of those papers he submitted that Mani Lal Patidar was implicated in a few cases and he had filed anticipatory bail applications in this

Court which were rejected. He submits that from the orders passed on his anticipatory bail applications, it appears that he had been in touch with various counsels who represented him in this Court to press his prayer for anticipatory bail. Sri Manish Goyal submitted that since Mani Lal Patidar is trying to evade his arrest in cases in which he has been implicated, to malign the administration, this habeas corpus petition has been filed with an oblique purpose. He also submits that various allegations have been made in the habeas corpus petition by the petitioner, who is an Advocate, of which he has no personal knowledge, therefore no cognizance should be taken by the Court of those allegations. He, however, could not tell the whereabouts of Mani Lal Patidar.

Be that as it may, as the case of the petitioner is that Mani Lal Patidar has gone missing and even counsel for the respondents does not dispute that Mani Lal Patidar is not traceable, the matter will have to be investigated to find out where Mani Lal Patidar is as also whether he is dead or alive.

Otherwise also, it is not in dispute that Mani Lal Patidar had been in the police force of the State of Uttar Pradesh and was a high ranking officer of the level of Superintendent of Police, Mahoba. Such a person having gone missing for last few months is a serious issue. Therefore, it would be important to ascertain as to what steps were taken by the administration including the investigating agency to apprehend him, particularly, when, on the own showing of the respondents, his anticipatory bail applications were rejected.

In view of the above, before examining the matter at length by dealing with the reliefs sought, we deem it appropriate to direct as follows:- the investigating agency dealing with the investigation of the cases already pending/instituted against Mani Lal Patidar shall file an affidavit stating specifically: (a) as to what efforts were made by them to arrest Mani Lal Patidar after tracing his whereabouts, particularly, when the anticipatory bail applications moved by Mani Lal Patidar were rejected; (b) whether any complaint or representation has been received at any level from the family members of Mani Lal Patidar of him having become untraceable, if so, what action was taken on such complaint; (c) whether the investigating agency have put on surveillance the mobile numbers known to have been used by Mani Lal Patidar to get in touch with his relatives, friends, counsels, if so, where his last location was found; (d) whether the statements of family members of Mani Lal Patidar have been recorded to ascertain his whereabouts, if so, the nature of those statements shall be disclosed; and (e) whether any coercive steps were taken, such as under Section

82/83 Cr.P.C., to secure the arrest/presence of Mani Lal Patidar, if so, the same shall be disclosed.

The affidavit of the nature indicated above shall be filed by the next date by the respondents.

List this matter on 14th June, 2021 before appropriate Bench.

The matter shall not be treated as part heard or tied up with this Bench.

**Order Date :- 27.5.2021**

AKShukla/-