

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 31157 of 2023

Applicant :- Arun Nagpal

Opposite Party :- C.B.I.

Counsel for Applicant :- Vijit Saxena

Counsel for Opposite Party :- Sanjay Kumar Yadav

Hon'ble Raj Beer Singh,J.

1. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard learned counsel for the applicant-accused, Sri Gyan Prakash, learned Senior Advocate/ Deputy Solicitor General of India, assisted by Sri Sanjay Kumar Yadav, learned counsel for the C.B.I and perused the record.
3. The present bail application has been filed by the applicant-accused in Special Case No.02 of 2020, RC No.2202018E0014, under Sections 120B read with 419, 420, 467, 468, 471 IPC and Section 13(2) read with section 13(1)(d) of Anti Corruption Act, 1988 and substantive section 419, 420, 467, 468, and 471 IPC, P.S. CBI, EOU-VI/EO-II, New Delhi with the prayer to enlarge the applicant on bail.
4. It has been argued by learned counsel for the applicant-accused that the applicant-accused is innocent and he has been falsely implicated in this case. The applicant is not named in the first information report, which was registered on 28.12.2018. As per prosecution, the involvement of applicant was shown on the basis that he has impersonated and signed as Vijay Kumar Rohela as guarantor of the loan availed by co-accused Vishal Goyal. The

F.S.L. report has been collected by the C.B.I. in the year 2019 but applicant was never arrested by the C.B.I. during investigation for any custodial interrogation. It is further submitted that applicant is not a beneficiary of the alleged loan and that there is no such evidence that any loan amount has been transferred to the applicant-accused. Further, co-accused Lakshya Tanwar and Smt. Gauri Bahl Alias Gauri Bahl and another have been granted interim anticipatory bail. Referring to facts of the matter, it was submitted that there is no credible evidence against appellant and now applicant-accused is languishing in jail since 14.07.2021 and even the charges have not been framed by the trial court so far. Learned counsel has also referred the case of Union of India vs. K.A. Najeeb (2021 Cri. L.R. (SC) 267) and submitted that in view of aforesaid facts, the applicant may be granted bail. It was submitted that in case the applicant-accused is released on bail, he will not misuse the liberty of bail and will co-operate in trial.

5. Learned Senior Advocate/ Deputy Solicitor General of India has opposed the bail application and submitted that during investigation, it was revealed that applicant has submitted his guarantee by impersonating as Vijay Kumar Rohela and the residential property of Vijay Kumar Rohela was put as a security for loan amount of Rs.3.16 crore. It was submitted that the main allegation in the matter is against the applicant-accused, as he has impersonated the owner of the property, which was of one Vijay Kumar Rohela. Further, after filing charge-sheet, the applicant did not appear before the trial court and absconded and ultimately he was arrested. It is further submitted that the applicant cannot claim parity with the interim protection in anticipatory bail of co-accused, as the said anticipatory bail applications are yet to be decided on merits. It was pointed out that charges could not be

framed so far as the co-accused persons are absconding.

6. I have considered the rival submissions and perused the record.

7. Perusal of record shows that co-accused Vishal Goyal, proprietor of Radhey Trading, has availed C.C. Limit of Rs.3 crore, from Central Bank of India, Wright Ganj Branch, Ghaziabad by submitting false balance sheet and forged sale-deed of the property of another person and that other accused persons were also involved in the said matter. During investigation, it was revealed that property number SJ-53A, Blocki-J, Sector 16, GMP Shashtri Nagar, Ghaziabad was put as security for the said loan and that applicant-accused Arun Nagpal impersonated himself as Vijay Kumar Rohela as guarantor of the loan guarantee papers by showing himself as owner of said property, which actually belongs to Vijay Kumar Rohela. As per prosecution version, the F.S.L. report corroborates this fact that it was applicant-accused Arun Nagpal, who has signed as Vijay Kumar Rohela as guarantor on the said loan guarantee papers. Thus, the act of applicant-accused is quite serious, as he has put the property of another person as security for the loan of Rs.3 crore and he has made forged signature of the real owner of the said property. It appears that the public money of more than Rs.3 crore has been siphoned in a well hatched criminal conspiracy. It was also shown that after submission of charge-sheet, the applicant-accused was being summoned again and again but he absconded and after long time, he could be arrested. The applicant cannot claim parity with the co-accused persons, who have been granted interim protection in anticipatory bail applications, as the said anticipatory bail applications are yet to be decided on merits.

In view of all attending facts and circumstances of the case, role of the applicant, amount involved in the matter, at this stage, no case,

for bail is made out. The bail application of applicant-accused **is rejected.**

However, if no substantial progress is made in the trial within a period of six months from today, the applicant-accused would be at liberty to file a fresh bail application in accordance with law.

Order Date :- 1.11.2023

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