

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 10374 of 2023

Applicant :- Jokhan Lal

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Ram Raj Prajapati, Dinesh Kumar Maurya

Counsel for Opposite Party :- G.A., Rahul Chaudhary

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Dr. C.P. Upadhyay, Advocate holding brief of Sri Ram Raj Prajapati, learned counsel for the applicant, Sri Rahul Chaudhary, learned counsel for the informant, Sri S.P. Pandey, learned A.G.A. for the State and perused the material placed on record.
3. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.323 of 2023, under Sections 467, 468, 471, 419, 420, 417, 506 and 120B IPC, Police Station Line Bazar, District Jaunpur, during the pendency of trial.
4. As per prosecution story, the co-accused person Arun Kumar Singh is stated to be the owner of the company which held the dealership of Bajaj Finance Limited and he is stated to have entered into an agreement as sub-dealer. The applicant is stated to have used the forged documents i.e. KYC and forged mobile numbers of certain persons and even is stated to have got the said amount of loan siphoned off to his account, as such the Bajaj Finance Limited is stated to have incurred a loss to the tune of Rs.1.97 crores.
5. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. He has nothing to do with the said offence. Learned counsel has placed reliance on the service provider agreement whereby the applicant is stated to be involved in providing source to the company of co-accused person Arun Kumar Singh. The applicant is a bona fide person and had acted only on the dictates of the main dealer Arun Kumar Singh. He had no authority to whatever take any loan or get issued any loan to any of the customers whatsoever. The agreement with the applicant was for service and sales of the said vehicles. The applicant used to take the said transactions in cash and take the bona fide commission provided to him for each vehicle sold.

6. Learned counsel for the applicant has further stated that three of the co-accused persons, who were the employees of the finance companies, have been enlarged on anticipatory bail by the Sessions Judge, Jaunpur. The copy of one of the order is annexed as annexure no.3 to the affidavit accompanying the anticipatory bail application. There are no criminal antecedents of the applicant. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length.

7. Per contra, learned counsel for the informant has vehemently opposed the anticipatory bail on the ground that the *modus operandi* of the applicant is but evident from the fact that three of the vehicles were not at all available for verification as their whereabouts were not known. Learned counsel has further stated that 82 vehicles were found to have been issued loan by the company, but the same vehicles were hypothecated by another company. Learned counsel has annexed details regarding 193 vehicles in all regarding which the forgery has been committed and the *modus operandi* is different in each case, which has been mentioned in paragraph 5 of the counter affidavit dated 26.10.2023.

8. Learned A.G.A. has also opposed the anticipatory bail application.

9. After hearing learned counsel for the parties and taking into consideration the fact that the applicant was the sub-dealer of the said company, to which the informant is the manager legal and in collusion with the accused Arun Kumar Singh has duped the company to the tune of an amount of Rs.1.97 crores, I do not find it a fit case for grant of anticipatory bail to the applicant. The arguments tendered at Bar pertain to regular bail application. They cannot be agitated at the stage of 438 Cr.P.C. The present anticipatory bail application is hereby found devoid of merits and is accordingly **rejected**.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of anticipatory bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 6.11.2023

Ravi Kant

(Krishan Pahal, J.)