

Court No. - 73

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45019 of 2019

Applicant :- Ajay Kumar

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Ram Chandra Srivastava, Jitan Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava, J.

1. Heard learned counsel for the applicant, learned A.G.A for the State and perused the record.
2. This application has been moved on behalf of the applicant - **Ajay Kumar** seeking anticipatory bail in Case Crime No.689 of 2019, under Sections 420, 467, 468, 471 IPC, Police Station Brindawan, District Mathura.
3. On the basis of forged and fabricated documents and without making any proper inquiry, forged loans were granted to several persons from the Syndicate Bank by the present applicant, who happens to be the Deputy Manager of the said Bank, in collusion with Lekhpal Hari Shanker Singh, mediator Charan Singh and one Ashok and they thereby caused a huge monetary loss to the Bank. F.I.R. was lodged on 4.8.2019 and now charge-sheet has been submitted in this matter.
4. It is submitted by the learned counsel for the applicant that the applicant is innocent and he has apprehension of his arrest in the above-mentioned case, whereas there is no credible evidence against him. Allegations levelled against the applicant are false. Applicant has no criminal antecedents to his credit and throughout the investigation, he has been cooperative. He is only a Deputy Manager in the Bank and he has absolutely no authority for grant of loan. His role is only to the extent of presenting the documents verified by Lekhpal and Revenue Inspector. The liability of sanctioning the loan is towards the Assistant Manager and duty of verification of Khatauni and revenue records lies upon the Lekhpal and Revenue Inspector. It is further submitted that in the departmental inquiry itself only charge of negligence has been found proved against the applicant and no charge-sheet has been submitted against him till date in the said inquiry. It is further

submitted that no monetary loss to the Bank has been caused by any act of the applicant and as such he is entitled for anticipatory bail.

5. Per contra, learned A.G.A. vehemently opposed the prayer for anticipatory bail and it has been vehemently argued that being the Deputy Manager of Syndicate Bank, the present accused applicant was responsible along with other co-accused persons for the sanctioning and distribution of loans to the public after due verification of the documents. It is further submitted that during investigation, the I.O. has collected the evidence that the named accused persons are the active members of a racket, which is involved in the embezzlement of the public exchequer and by way of distribution of forged loans and by playing fraud, a huge monetary loss has been caused to the Bank. The present accused applicant cannot escape from his liability by merely saying that he was in no way responsible for the sanctioning and distribution of loan to the public. During investigation, the I.O. has collected ample evidence against the accused persons. Offence is very serious and as such the applicant is not entitled for anticipatory bail.

6. In the present matter, a huge monetary loss has been caused to the Bank on account of the fraudulent act done by the applicant and co-accused persons.

7. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has held that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

8. Hence, considering the settled principles of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion of the merits of the case, in my view, it is not a fit case for anticipatory bail to the applicant till the end of trial. The prayer made in the application is refused.

9. The anticipatory bail application is **rejected**.

Order Date :- 28.10.2023

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