

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43621 of 2023

Applicant :- Pramod Kumar Agarwal

Opposite Party :- State of U.P.

Counsel for Applicant :- Rakesh Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh,J.

1. Heard Sri Amrendra Nath Singh, learned Senior Advocate, assisted by Sri Rakesh Kumar Mishra, learned counsel for the applicant as well as learned A.G.A. for the State and perused the entire record.

2. The present bail application has been filed by the applicant in case crime No. 1867/2016, under Section 7/13 of Prevention of Corruption Act, police station Kotwali, District Muzaffarnagar with the prayer to enlarge the applicant on bail.

3. It has been argued by learned senior counsel for the applicant that the applicant-accused is innocent and he has been falsely implicated in this case. According to prosecution version, the informant has lodged the first information report of this case against applicant and one S.C. Sharma, Branch Manager, and Sanjay, Cashier, alleging that the informant was found eligible for Kamdhenu Dairy Scheme, where some cows have to be purchased and government has to be provide subsidy in the interest of loan amount. The informant has applied for loan under the said scheme to Bank of Baroda, Branch Ansari Road, Muzaffarnagar. The bank officials took an amount of Rs. four lacs as illegal gratification for sanctioning of the loan amount from the informant and on their assurance, the informant has invested about Rs. 25-26 lacs in land and other things for that purpose but later on bank officials did not

approve the loan and they also did not return the amount of Rs. four lacs of the informant. It was submitted that the applicant was merely working as Field Officer and there is no such specific allegation that any amount was given to the applicant by the informant. In the first information report itself, it has been mentioned that the Field Officer has submitted its report. Learned senior counsel submitted that the role of applicant is merely in inspecting the site and to submit a report and that the loan was to be sanctioned by the Branch Manager or other higher officials of the bank. No such evidence has been shown that any amount has been given/transferred into the account of the applicant. It was further submitted that co-accused Satish Chandra Sharma, who was Branch Manager, has already been enlarged on bail by co-ordinate Bench of this Court, copy of which, is available on record and that the case of the applicant is on better footing than of co-accused Satish Chandra Sharma. Lastly, it was submitted that the applicant is in judicial custody since 04.10.2023, having no criminal history, and that in case, applicant is enlarged on bail, the applicant will not misuse the liberty of bail.

4. Learned A.G.A. has opposed the prayer for bail and argued that there are allegations that applicant was working as Field Officer in the bank and that the applicant and co-accused Satish Chandra Sharma, who was Branch Manager, and Sanjay, who was Cashier, have extracted an amount of Rs. four lacs from the informant on pretext of providing loan but neither the loan was sanctioned to the informant nor his amount was returned back. However, it could not be disputed that similarly placed co-accused Satish Chandra Sharma, who was Branch Manager, has already been enlarged on bail by co-ordinate Bench of this Court.

5. Considering the submissions of learned counsel for the parties, nature of accusations, period of custody and all attending facts and circumstances of the case, without expressing any opinion on the merits of the case, the Court is of the view that a case for bail is made out. Hence, the bail application is hereby allowed.

6. Let the applicant **Pramod Kumar Agarwal** involved in the aforesaid crime be released on bail on furnishing a personal bond and two local sureties each of the like amount to the satisfaction of court concerned subject to the following conditions:

- i. The applicant will not tamper with the evidence during trial.
- ii. The applicant will not pressurize/intimidate the prosecution witnesses.
- iii. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- iv. The applicant will not try to contact, threat or otherwise influence the complainant or any of the witness of the case.

7. In case of breach of any of the above condition, the court concerned shall be at liberty to cancel the bail of applicant, in accordance with law.

Order Date :- 12.10.2023

Anand