

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47335 of 2023

Applicant :- Anand Singh

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

Counsel for Applicant :- Harish Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.

2. The FIR in question was lodged against the applicant alleging that the applicant had applied for loan on 02.03.2019 in the name of M/s Uttam Trading Company for establishing flour mill, which was sanctioned and granted by the Bank for an amount of Rs.45,00,000/-. It is alleged that instead of releasing the amount by the Bank for establishing the mill, the same was diverted safely to the account of M/s Maulana Abdul Kalam Azad Educational Society. It is also recorded in the FIR that to secure the loan granted, instead of mortgaging his property, some property of the trust was mortgaged with the Bank.

3. The Counsel for the applicant argues that in the application filed by the applicant for loan, he has duly disclosed that the loan was required for purchasing the property. He further argues that in any case, it is incumbent upon the Bank to audit the loan in year to year basis and the mortgaged property is also subject to verification by the Bank, for which, no reasons have been disclosed. The FIR in question was lodged after about three years of the grant of loan. The Counsel for the applicant further argues that the Bank has already instituted proceedings before the Debt Recovery Tribunal for recovery of the outstanding. The criminal antecedents of the applicant has been duly disclosed and the bail order has been enclosed in Annexure-11 to the bail application.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the fact that the FIR in question was lodged after three years, no material in the form of audit report or otherwise has been adduced by the prosecution to demonstrate that the Bank has taken steps on year to year basis, there is nothing on record to demonstrate that the applicant if enlarged on bail, would in any

way adversely affect the trial and without expressing any opinion on merit, I am of the view that the applicant is entitled to be released on bail.

6. Accordingly, the bail application is ***allowed***.

7. Let the applicant ***Anand Singh*** be released on bail in FIR/ Case Crime No.268 of 2022, under Sections 420, 406 IPC, Police Station Sahibabad, District Ghaziabad on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 6.11.2023

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