

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49377 of 2023

Applicant :- Gopal Das Gupta

Opposite Party :- State of U.P.

Counsel for Applicant :- Saurabh Chaturvedi, Sr. Advocate

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard counsel for the applicant and Sri Prateek Tyagi, learned AGA for the State.

2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 4581 of 2009, under Sections 406, 409, 419, 420, 467, 468 & 471 I.P.C. and Section 17(3) of NAREGA Act, current Police Station- Bharatpur (the then Karwi), District- Chitrakoot during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. The applicant retired from the Kshetriya Gramin Bank in the year 2018. The incident relates to the year 2009 when the applicant was posted as Branch Manager at Kshetriya Gramin Bank, Branch- Rasin, District- Banda. The applicant in the capacity of the Branch Manager cleared cheques for an amount of Rs. 8,13,560/- on 26.09.2023. The cheques were cleared in bonafide discharge of duties. It is contended that after the clearing of the said cheques, the applicant was informed that the signature of a new Gramin Vikas Adhikari has been attested by the Competent Authority. No orders were passed by the competent authority to stop the clearing of the cheques. The applicant is not a beneficiary of the illicit transaction. No amount has been credited in the account of the applicant. At this stage, there is no cogent evidence to link the applicant with the offence. The applicant is in jail since 12.10.2023, having no criminal history, and in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid facts from the record.

5. Having heard learned counsel for the parties and having perused the record this Court prima facie finds that no amount has been credited in the account of the applicant. The applicant is not a

beneficiary of the illicit transaction. At present, there is no substantive evidence against the applicant. Further, the applicant has no criminal antecedents and has remained confined for more than one month and after submission of the charge-sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Gopal Das Gupta** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness; and,
- iii. the applicant shall appear on each and every date fixed by the trial court.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 21.11.2023
Sachin Mishra