

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12905 of 2023

Applicant :- Manjeet Sharma

Opposite Party :- State Of U.P.And Another

Counsel for Applicant :- Dushyant Singh,M.C. Singh

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri M.C. Singh, learned counsel for the applicant, Sri I.K. Chaturvedi, learned Senior Advocate appearing on behalf of the informant as well as 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.278 of 2023, under Sections 403, 406, 420, 467, 468, 471, 408, 424, 120-B I.P.C., Police Station Badalpur, District Gautam Budh Nagar, during the pendency of trial.
4. As per prosecution story, the applicant, who happens to be the Assistant Accountant in the Ambuja Cement Limited, District Gautam Budh Nagar, is stated to have forged the signatures of the officials and thereby duped the company of Rs.46,80,798/-.
5. Learned counsel for the applicant has submitted that he has been falsely implicated in the present case. The applicant has been made a scapegoat by the other officials. It is a case of hobnobbing as it is impossible that the matter could not come to the knowledge of the officials during the long period of one and half years. Learned counsel has further stated that the said officials Anil Gupta, Chandra Prakash and Suresh Agrawal were hand in glove with the applicant. They used to issue cheques to the applicant and used to take back money remitted in their accounts. There is no criminal antecedent of the applicant. He is a young boy of 24 years. The applicant has apprehension of his arrest. Learned counsel has stated that the applicant undertakes that he has co-operated in the investigation and is ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.

6. Per contra, learned Senior Counsel appearing on behalf of the informant as well as learned A.G.A. have vehemently opposed the anticipatory bail application on the ground that no document has been annexed by the applicant to the anticipatory bail application except the FIR and the rejection order. Learned Senior Counsel has further stated that in all Rs.13,65,500/- has been withdrawn in cash by the applicant and Rs.10,28,141/- have been transferred to his account and he has transferred the amount of Rs.4,92,557/- to the account of his wife and rest amount has been transferred to the account of relatives and other friends.

7. Learned Senior Counsel appearing on behalf of the informant has further stated that the present case is open and shut case. Nothing remains to be investigated in the matter as the said transactions have been conducted with the account of the company. The applicant has forged signatures of the officials of the company, as such, he is not entitled for anticipatory bail.

8. After hearing learned counsels for the parties and taking into consideration that heavy loss has been incurred by the company on account of act of the applicant coupled with the fact that the arguments tendered at Bar pertains to regular bail which cannot be agitated under the provisions of Section 438 Cr.P.C., I do not find it a fit case for grant of anticipatory bail to the applicant.

9. 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 :- 23.11.2023

Vikas

[Krishan Pahal, J.]