

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8101 of 2023

Applicant :- Arvind Kumar

Opposite Party :- Union Of India Thru. C.B.I / A.C.D Lko

Counsel for Applicant :- Mamta Chaudhary, Abhinav Mani Tripathi, Sumit Kumar Srivastava

Counsel for Opposite Party :- Anurag Kumar Singh

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Abhinav Mani Tripathi, the learned counsel for the applicant, Sri Dharmendra Pratap Singh, Advocate holding brief of Sri Anurag Kumar Singh, the learned counsel for the respondent-C.B.I. and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.05 of 2017, R.C. No.0062017A0005/2017, under Sections 120-B, 409, 420, 471, 477-A I.P.C. read with Section 13 (1) (D) & 13 (2) of Prevention of Corruption Act, registered at Police Station CBI/ACB, Lucknow, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged by C.B.I. on 31.03.2017 against five persons, including the applicant and some unknown persons and in furtherance thereof the C.B.I. has submitted a charge sheet on 28.12.2020 against 52 persons including the applicant alleging that Punjab National Bank, Gorakhpur was receiving funds for the purpose of old aged pension, widow pension, pension to handicapped persons, scholarship to students, funds under Indira Awas Yojna and other social welfare schemes by way of cheques along with list of beneficiaries for onward transfer of the funds in the intervening period the branch used to park

funds in two dummy accounts. During the tenure of co-accused S.N. Chaubey, the then Senior Manager from 05.07.2011 to 11.07.2015, thirteen additional dummy accounts were opened and the funds were credited in those accounts and Rs.4,72,95,102/- were transferred from those dummy accounts to 67 unrelated parties. The co-accused S.N. Chaubey had transferred Rs.83,02,459/- from the dummy accounts by way of issuing 26 demand drafts and two NEFTs in favour of various funds/private persons. He had further transferred Rs.3,53,175/- from the dummy accounts for adjusting advance amount earlier taken by him and to make payment to a part time sweeper. Regarding the applicant the charge sheet states that the applicant was working as a peon/daftari in the bank and he had entered a transaction related to unauthorized debit of government funds. He did not prepare debit/credit vouchers. Rs.2,50,000/- were debited from the government funds misusing the applicant's log in identity and the same were credited to the account of Ravindra Kumar Verma.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history. The learned counsel for the applicant has submitted that nine co-accused persons have already been granted anticipatory bail and four co-accused persons have already been granted bail in the present case. He has further submitted that the applicant was working on a Class IV post and he was not authorized to make any banking transactions. He has further submitted that no amount has been transferred to the applicant's account. The co-accused persons who have been granted bail were beneficiaries of the commission of offence as amounts have been transferred to their accounts.

5. The learned counsel for the respondent has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has no previous criminal history and he is languishing in jail since 12.06.2023 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

7. Accordingly, this bail application stands **allowed**.

8. Let the **applicant-Arvind Kumar** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 29.11.2023
Ram.