

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12130 of 2023

Applicant :- Vishal

Opposite Party :- State Thru. Cbi/Eo-1/New Delhi

Counsel for Applicant :- Pranjal Krishna

Counsel for Opposite Party :- Anurag Kumar Singh

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Pranjal Krishna, learned counsel for the applicant, Sri Dharmendra Singh holding brief of Sri Anurag Singh, learned counsel for the C.B.I. and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Criminal Case No.994 of 2020 (CBI vs M/s K.C. Infrabuild Pvt. Ltd & Ors) under Sections 120B, 420, 467, 468, 471 IPC, 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 arising out of Crime No.RC219 2017E 0007 Police Station CBI/EO-I, New Delhi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.03.2017 against K.C. Infrabuild Private Ltd., its Managing Director, four Directors, unknown officials of Canara Bank, other unknown officials of the Canara Bank and other unknown persons, alleging that aforesaid Company had obtained several loans from Canara Bank and had used it for the purposes other than the purposes for which the same was taken and the loan amounts were not repaid.

4. After investigation, the CBI submitted a charge-sheet on 31.08.2020 against 7 persons, including the applicant, under the head 'role of the bank officials', it is mentioned in the charge-sheet that investigation has established that the applicant while functioning as Chief Manager, Alambagh, Lucknow during the period 2013-2015 and co-accused Sudhir Kumar Sinha, Manager during the period 2014-15

abused their official position and by corrupt and illegal means entered into a criminal conspiracy with accused Vijay Kumar Mishra, Director M/S KC Infrabuild Pvt Ltd and facilitated the borrower to obtain certain credit facilities on the basis of unrealistic projected financial statements and facilitated accused Vijay Kumar Mishra to siphon of the entire limit through sister concern and diverted to those persons who were not having business dealings with the M/S KC Infrabuild Pvt Ltd. The borrower company was not credit worthy. The charge-sheet alleges that the applicant and co-accused Sudhir Kumar Sinha recommended the limits in criminal conspiracy with the co-accused, Vijay Kumar Mishra and allowed diversion of money and thereby causing losses to the Bank.

5. 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.

6. Opposing the bail application, learned counsel for the C.B.I. has submitted that the applicant's anticipatory bail application has been rejected by this court.

7. Learned counsel for the applicant has submitted that the co-accused Sudhir Kumar Sinha against whom similar allegations has been leveled, has been granted anticipatory bail by means of the order dated 02.08.2023 by the Sessions Court. Two other co-accused have also been granted anticipatory bail by this Court, copies of their bail orders have been placed on record as Annexure Nos.7 and 8 in support of the affidavit filed in support of the application.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that an accused person against whom similar allegations have been leveled, has been granted anticipatory bail; that the applicant has no criminal history; that the applicant is languishing in jail since 29.08.2023 and that being in

employment of Bank there appears to be no reasonable apprehension of the applicant's escaping from the process of law 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.

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

10. Let the **applicant-Vishal** be released on bail in aforementioned 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 :- 21.11.2023
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