

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12174 of 2023

Applicant :- Shivpal Verma

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Desh Deepak Verma, Nitin Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Desh Deepak Verma, the learned counsel for the applicant, Sri Rakesh Kumar Singh, the learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 50 of 2022, under Sections 419, 420, 468, 471 I.P.C., registered at Police Station Safdarganj, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 31.01.2022 against three persons, including the applicant by the Branch Manager of the Bank of India stating that one Gurudeen son of Sukai was granted kishan credit card loan on 24.05.2011 regarding which the co-accused Lalla had stood a surety. It is alleged that the applicant had verified the identity of the borrower. When the loan account was declared to be NPA (non performing asset) on 30.06.2015 it came to light that the loan was obtained by co-accused Nanhey by wrongfully put himself as the borrower Gurudeen.

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. In the additional statement of the informant recorded by the Investigating Officer he stated that the applicant had orally

introduced the borrower but the applicant's signature were not taken on any document. In a letter dated 31.01.2023 sent by the Senior Branch Manager, Bank of India in response to a notice under Section 91 of Cr.P.C. issued by the Investigating Officer it was stated that previously the procedure prescribed by the RBI required introduction of the applicant by some other account holders but that procedure was done away with by the R.B.I.

5. The learned A.G.A. 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 as the only allegation against the applicant is of having orally introduced the borrower, whereas from the material available on record, it appears that there was no such procedure prescribed requiring introduction of the borrower by some other person coupled with the fact that the applicant has no previous criminal history and he is languishing in jail since 17.08.2023 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-Shivpal Verma** be released on bail in Case Crime No. 50 of 2022, under Sections 419, 420, 468, 471 I.P.C., registered at Police Station Safdarganj, District Barabanki 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 :- 12.10.2023
Ram.