

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12247 of 2023

Applicant :- Balendra Sachan

Opposite Party :- Union Of India Thru. Cbi Acb Lko.

Counsel for Applicant :- Mrs.Suniti Sachan,Gangeshwar Pandey

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 Kumar Singh, 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 RC No.0062023A0017 under Section 120B IPC, 7/7A of the Prevention of Corruption Act, Police Station CBI, ACB, Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.08.2023 against the applicant and one Vinod Dwivedi in furtherance of a complaint that the accused persons had demanded money for disbursal of loan applied by the complainant.
4. The CBI has submitted a charge-sheet against two accused persons on 29.09.2023 stating that the applicant was working as Aryavart Bank, Beri Branch, Hamirpur, in which the applicant was also working as a private person/ tout. Complainant, Mukesh Kumar had applied for a loan of Rs.2 Lakh in the name of his wife on 25.08.2023 and Rs.1.1 Lakh had already been disbursed on 25.08.2023. It is alleged that the applicant had demanded Rs.10,000/- from the complainant through co-accused, Vinod Dwivedi for allowing further withdrawal for the already sanctioned business loan in the name of the complainant's wife. Co-accused, Vinod Dwivedi was caught red handed while taking the money from a place near Lehra Gate Tiraha. After he was taken into custody co-accused Vinod Dwivedi made a

phone call to the applicant's mobile phone and told him about receipt of Rs.10,000/- from the complainant. This conversation was recorded by officers of the CBI and it is claimed that conversation *prima facie* reveals that the applicant had knowledge regarding demand and acceptance of bribe regarding co-accused persons for sanction of Rs.2 Lakh in favour of the complainant's wife and for allowing withdrawal of remaining amount of loan.

5. Perusal of the charge-sheet indicates that the complainant had alleged that Branch Manager Sri Awadhesh has demanded Rs.20,000/- through his tout and co-accused, Vinod Dwivedi for withdrawal of remaining amount of Rs.1 Lakh. The CBI claims that co-accused, Vinod Dwivedi was acting as tout of the Branch Manager, whose name turned out to be Balendra Sachan.

6. 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.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the complainant alleged demand made by one Awadhesh through Vinod Dwivedi (co-accused), it is not the complainant's case that the applicant had made a demand from him directly and even indirectly the demand was allegedly made by one Awadhesh; that *prima facie* there appears to be no material on record to place before this Court at this stage to indicate that the applicant himself had projected him as Awadhesh; that the applicant is a Bank employee, therefore, there appears to be no reasonable apprehension of him fleeing from the process of law; that coupled with the fact that the applicant has no previous criminal history and he is languishing in jail since 20.03.2023 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.

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

9. Let the **applicant**-Balendra Sachan 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 :- 7.12.2023
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