

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2298 of 2023

Applicant :- Ganga Sagar Chauhan

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home,
Lucknow And Another

Counsel for Applicant :- Ashish Kumar,Raj Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ashish Kumar, the learned counsel for the applicant as well as Sri Rishikesh Verma, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case No.2175 of 2023, Crime No.28 of 2022, under Sections 419, 420, 452, 467, 468, 471, 120-B I.P.C. and Sections 43, 66, 66-C Information Technology Act, registered at Police Station Cyber Crime, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 16.10.2022 against a former officer of U.P. Cooperative Bank Limited and an unknown person alleging that some fraudulent transactions were made from some bank accounts. The applicant is a Director of M/s Bumi Sagar Pvt. Ltd. Company, in whose accounts Rs.12.30 crores and Rs.30 crores were transferred on 15.10.2022.

4. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in

the present case. In the affidavit it has been stated that immediately upon coming to know about the aforesaid wrongful transactions the applicant had given an application to the Branch Manager of the bank complaining about the wrongful deposits in the company's accounts. Upon the applicant's complaint the amount was retransferred from the aforesaid bank accounts.

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 aforesaid conduct of the applicant in promptly communicating the fact of wrongful credit of the amount to the company's bank accounts and consequent retransfer of the amount coupled with the fact that the applicant has no criminal history and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

7. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Ganga Sagar Chauhan** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

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(Subhash Vidyarthi, J.)

Order Date :- 18.10.2023

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