

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2488 of 2023

Applicant :- Shailendra Verma

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

Counsel for Applicant :- Prashant Kumar, Hari Anuj Bahadur
Sinha, Satish Gulati

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Prashant Kumar, the learned counsel for the applicant as well as Sri Anant Pratap Singh, 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 Case Crime No. 705/2017, under Sections 420, 467, 468, 471, 406 IPC, Police Station Para, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged by the Branch Manager of Bank of Baroda against two persons, not including the applicant, stating that the named accused Rajesh Gupta had obtained a commercial loan of Rs. 20 lakh from the bank and the other co-accused Harish Gupta had stood surety by mortgaging his property. The loan account was declared NPA on 11.09.2015 and proceeding under SARFAESI Act were instituted. Later on, it came to light that the property was mortgaged on the basis of forged documents.
4. During investigation, the Investigating Officer recorded statements of the bank's counsel who stated that the loan was sanctioned by the applicant who was posted as Branch Manager at the relevant time, in violation of the relevant rules.
5. In the affidavit filed in support of the application it has been contended that the applicant is 66 year's old person having no criminal history.
6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is not

named in the FIR; he has been implicated in the present case on the allegation that he had granted loan in violation of the rules, without specifying any rule which had been violated by the applicant; that the applicant having retired from service, does not appear to be in a position to influence the witnesses or tamper with the evidence and 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 during pendency of the trial.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Shailendra Verma** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail during pendency of the trial 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.

Order Date :- 6.11.2023

Pradeep/-