

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2560 of 2023

Applicant :- Vineet Pandey

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

Counsel for Applicant :- Shailendra Kumar Misra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Shailendra Kumar Misra, 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 F.I.R. bearing Case Crime No. 286 of 2023, under Sections 419, 420, 467, 468 & 471 of IPC, Police Station Gaudamba, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 19.07.2023 against two named persons and other unnamed employee of the bank, alleging that the informant had applied for grant of a personal loan of Rs. 2,50,000/- from Bank of Baroda in April-May, 202; named accused person had made the informant sign several documents but no amount was disbursed towards the loan in his account. On 16.06.2023, the informant was told that a loan of Rs. 4,10,000/- had been sanctioned and he was asked to deposit money towards the repayment of loan.

4. The bank officials did not give any information to the informant and after installing online banking app he came to know that a personal loan of Rs. 4,10,000/- was approved on 10.05.2023, out of which money was transferred to the bank account of named accused Arpit Asthana and his mother.

5. The applicant has been implicated on the basis of statement of named accused Arpit Asthana, who stated that the applicant was also involved in commission of offence.

6. In the affidavit filed in support of the application it has been contended that the applicant is innocent and he has falsely been implicated in the present case for the reason that Arpit Asthana has cheated the applicant also in a similar manner by

sanctioning a personal loan of Rs. 11,18,000/- in the name of the applicant's wife and misappropriated that money. The applicant's wife had lodged a FIR bearing Case Crime No. 170/2023 at Police Station Mahanagar, District Lucknow against Arpit Asthana and other employees of the bank.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. 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 and he has been implicated solely on the basis of custodial statement of co-accused person, against whom the applicant's wife has lodged an FIR alleging commission of a similar offence against him also 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.

9. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Vineet Pandey** 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 :- 8.11.2023

Pradeep/-