

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2825 of 2023

Applicant :- Vimal Kumar Bhargav

Opposite Party :- State Thru. Cbi/Acb Lko. And Another

Counsel for Applicant :- Vinay Kumar Verma, Abhishek
Srivastava

Counsel for Opposite Party :- Anurag Kumar Singh

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Abhishek Srivastava, the learned counsel for the applicant as well as Sri Anurag Kumar Singh, the learned counsel for the respondent-CBI and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in Sessions Case No. 2984 of 2023, R.C. No. 0062022A0018, under Sections 420, 467, 468, 471 IPC, 13(1)(a) P.C. Act & 66C I.T. Act, Police Station CBI/ACB, Lucknow.
3. The aforesaid case has been registered on the basis of an FIR lodged on 14.06.2022 against the applicant stating that he was posted as postal assistant and Rs. 33 lakh were wrongfully transferred to his bank account from a person's account in the post office. After investigation, a charge sheet has been submitted on 26.06.2023.
4. In the affidavit filed in support of the 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.
5. The learned counsel for the applicant has submitted that the applicant has himself deposited Rs. 39 lakh and odd even before lodging of the present FIR whereas the allegation was of fraudulent transfer of Rs. 33 lakh only.
6. The learned counsel for the respondent-CBI has opposed the application and he has submitted that the applicant was working in the post office and he has made fraudulent withdrawals from other person's account, which conduct dis-entitles the applicant for claiming anticipatory bail. He has further submitted that the applicant has himself deposited Rs. 39 lakh and odd even prior to lodging of the FIR but long after it was credited to his bank account, which prima facie indicates his involvement in

commission of the offence

7. Having considered the facts and circumstances of the case and keeping in view the fact that fraudulent transfer in the applicant's bank account is prima facie not disputed and it stands fortified by the recovery of the amount from the applicant's bank account, I am of the view that the aforesaid facts do not make out a case for grant of pre-arrest bail to the applicant.

8. The anticipatory bail application is ***rejected*** accordingly. However, in case the applicant files an application for grant of bail, the same shall be considered and decided on its merits, without being influenced by any observations made in this order.

Order Date :- 8.12.2023

Pradeep/-