

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 3004 of 2023

Applicant :- Vivek Kumar

Opposite Party :- Union Of India Thru. Directorate Enforcement

Counsel for Applicant :- Nadeem Murtaza, Alok Kumar Singh, Ankit Kumar Pandey, Ashutosh Verma, Aviral Raj Singh, Dhruv Kumar Singh, Palash Banerjee, Ritwick Rai, Vaibhav Tiwari

Counsel for Opposite Party :- Kuldeep Srivastava

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Nadeem Murtaza, the learned counsel for the applicant as well as Sri Kuldeep Srivastava, the learned counsel appearing on behalf of the Directorate of Enforcement and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in ECIR No. ECIR/ALZO/02/2023, under Sections 3/4 of Prevention of Money Laundering Act, 2002, Police Station Enforcement Directorate, Lucknow.

3. On 17.02.2023, officials of the Directorate of Enforcement had conducted a raid at the residence of the applicant and premises of Jagdish Prasad Verma Inter College, Gauriganj, Hardoi of which the applicant is the Manager, but no incriminating material was found therefrom.

4. On 30.03.2023, an FIR was lodged by a Senior Sub-Inspector of Police in Police Station Hazratganj, Lucknow Central, Commissionerate Lucknow, against 18 named persons, including the applicant, describing him as Manager, Jagdish Prasad Verma Inter College, Gauriganj, Hardoi and some other persons alleging that during a preliminary investigation conducted by the informant, it was found that embezzlement of amounts meant to be distributed as matriculation scholarship to students was done on the basis of fake documents in 10 colleges including in Jagdish Prasad Verma Inter College, Gauriganj, Hardoi. The FIR stated that the named educational institutions have misappropriated the money under pretext of granting

scholarship to their employees and other imaginary persons. Some of the bank accounts had been opened in the names of minors or old persons who are not eligible for scholarship. Several persons do not even have the intimation of the bank accounts having been opened in their names.

5. On 05.04.2023, the Directorate of Enforcement registered ECIR-ALZO-02-2023 and started carrying out investigation.

6. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent, he has falsely been implicated in the present case and besides the scheduled offence, he has no other criminal history.

7. The applicant has been granted bail in the scheduled offences by means of an order dated 08.11.2023 passed by this Court in Criminal Misc. Bail Application No.13287 of 2023.

8. The E.D. has filed a counter affidavit and it has *inter alia* been stated in the counter affidavit that the applicant was called to get his statements recorded on 06.04.2023, 17.04.2023 and 06.05.2023 but the applicant neither appeared nor did he give any explanation for his non appearance or seek adjournment. It has further been stated in the counter affidavit that the investigation has revealed that Rs.2,85,71,650/- were transferred to the account of Jagdish Prasad Verma Inter College, Gauriganj, Hardoi, of which the applicant is Manager in the form of fake scholarship. The investigation is still going on and the learned counsel for the E.D. has submitted that the applicant should not be granted anticipatory bail at this stage.

9. Anticipatory bail application No.2807 of 2023 filed by a co-accused Praveen Singh Chauhan has been rejected by this Court by means of the order dated 13.12.2023.

10. Having considered the aforesaid facts and circumstances of the case and keeping in view the nature of allegations i.e. embezzlement

of amount meant to be distributed as scholarship amongst students; that material relied upon i.e. account statement of College of which the applicant is Manager and the fact that the applicant has not appeared in response to the summons issued to him by the E.D. and he has not given any explanation for his none appearance, I am of the view that the aforesaid facts do not make out a case for granting anticipatory bail to the applicant.

11. In view of the above, the anticipatory bail application of the applicant is **rejected**.

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(Subhash Vidyarthi, J.)

Order Date :- 21.12.2023
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