IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38199 of 2023

Arising Out of PS. Case No.-5 Year-2020 Thana- C.B.I CASE District- Patna

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Surendra Kumar Roy @ S K Roy S/O Late Jai Kumar Roy R/O Road No. 2, Near Mamta Apartment, Shivpuri L.B.S Nagar, PS. Shastrinagar, Dist. Patna

... ... Petitioner/s

Versus

The State through C.B.I. ACB, Patna

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar

For the Opposite Party/s : Mrs.Nivedita Nirvikar, Sr.Adv.
Mr.Arya Achint,
Ms.Shashi Priya,
Ms.Surabhi

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

5 18-09-2023 Heard learned counsel for the petitioner and learned counsel appearing on behalf of opposite party / C.B.I.

2. This application has been filed for grant of anticipatory bail to the petitioner in connection with C.B.I. R.C. Case No. 05(A)/2020, punishable for the offences under Sections 120B, 420, 467, 468, 471, 409, 477(A) of the Indian Penal Code and Section 7 of the P.C. Act, 1988 (as amended in 2018) and 13(2) r/w 13(1)(c) of P.C. Act, 1988 and amended as 13(1)(a) of P.C. Act, 2018.

3. As per prosecution case, this petitioner, dishonestly and fraudulently took some persons in confidence, who were either his close relatives or co-residents of Shivpuri Mohalla or

the low rank employees under him or persons known to him directly/indirectly, under the pretext of either sending to or getting money from his son residing at Bangalore pursuing B.Tech or having some problem with his bank account or to avoid the Income Tax and convinced them to part with their bank accounts details with him and thereafter, obtaining their account details, filled in the EPF/EPS claim forms in his own handwriting and also by forging the signatures of claimants and forwarded these claims as authorized signatories to the EPFO where these EPF/EPS claims were processed & sanctioned and thereafter, the claim amounts were transferred to the bank accounts of the purported claimants mentioned in the claim forms. After transfer the said EPF/EPS claim forms, accused Surendra Kumar Roy (petitioner herein) withdrew the unclaimed amount totaling to Rs. 26,31,273/- approx. lying with the EPFO through the purported claimants and thereby cheated the EPFO.

4. Learned counsel for the petitioner submits that not a single penny has been transferred in the account of this petitioner. Petitioner was simply a salary based employee in M/s Mars Mountain Security and M/s Mars Dial Net Pvt. Ltd. and not the Director or Managing Director of the said companies.

During investigation, petitioner has fully cooperated with the investigating agency. Chargesheet has been submitted and there is neither allegation of tampering with the evidence against this petitioner nor there is cogent evidence against this petitioner. On aforesaid grounds, he has prayed for extending the privilege of anticipatory bail to the petitioner.

5. On the other hand, learned counsel appearing on behalf of C.B.I. vehemently opposes the prayer for anticipatory bail and submits that petitioner is the king-pin of the entire fraudulent transactions. Number of beneficiaries during course of investigation have clearly stated that though, they worked in the aforesaid two companies, but had never applied for the EPF payments. All the persons have denied their writings and signatures on the concerned Form – 19 & 10C and stated them (forms) to be forged. Learned counsel for the C.B.I. further submits that some of the beneficiaries have identified the hand-writings and signature of Surendra Kumar Roy (petitioner), the Manger and authorized signatory of aforesaid two companies on the EPF/EPS claim forms.

6. Considering the submissions of learned counsel for the parties and materials available on the record, this Court does not incline to extend the privilege of anticipatory bail to the

petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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