

**Court No. - 79**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 24867 of 2022

**Applicant :-** Devendra Kumar

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Pooja, Bhupendra Pal Singh

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi, J.**

1. Heard Sri Bhupendra Pal Singh, the learned counsel for the applicant, Sri D.K. Srivastava, the learned A.G.A. for the State and perused the record.

2. The present bail application has been filed by the applicant with the prayer to enlarge him on bail in Case Crime No. 36 of 2022, under Sections 409, 420, 120-B, 504 I.P.C. and 66 of the Information Technology Act, P.S. Arniya, District Bulandshahr.

3. The aforesaid case has been registered on the basis of an F.I.R. dated 24-02-2022 lodged by the informant against the officials of Punjab National Bank, Branch Dashahara, alleging that a sum of Rs. 9, 74, 538,00/- had been deposited in the informant's account on 30-04-2021 towards compensation for her land acquired for construction of Dedicated Freight Corridor.

4. On 16-10-2021 a sum of Rs. 10 lacs had been transferred from the informant's bank account to the account of one Manish and the informant came to know about this fact when she went to withdraw some amount on 29-01-2022. The informant made enquiries from the officials of the bank but they did not give any satisfactory reply in spite of repeated efforts made by the informant.

5. During investigation it came to light that the applicant was posted as Scale-I Officer (Cashier) in Dashahara Branch of Punjab National Bank and the amount has been transferred from the informant's account using applicant's I.D. 84961dk to the account of one of his relatives.

6. The learned counsel for the applicant has submitted that the applicant is innocent and he is not the beneficiary as no amount has been transferred to the applicant's account. He has further submitted that the entire amount that had been wrongly transferred to the informant's account has been redeposited in her account by way of transfer from the account of Manish

Kumar. He has further submitted that as the entire amount has been refunded to the informant, the applicant is entitled to be released on bail.

7. The applicant is languishing in jail since 06-03-2022.

8. The learned A.G.A., on the basis of instructions has opposed the prayer for grant of bail to the applicant. He has submitted that a total sum of Rs. 49 lacs had wrongly been transferred from the various accounts in the bank using the applicant's I.D. In this regard a disciplinary proceedings has already been initiated against the applicant, which is pending.

9. Having considered the aforesaid facts and submissions and keeping in view the fact that the applicant was working as a Cashier in the bank and the amount from the informant's account has been transferred using the applicant's I.D. and other similar transfers have been made in a wrongful manner from several other accounts and also keeping in view the fact that an officer of the bank is expected to maintain utmost integrity and any dereliction on duty of such a manner cannot be taken lightly, I am of the view that considering the seriousness of the charges, the gravity of the punishment that can be imposed upon the applicant in case of his conviction and prima facie satisfaction regarding his involvement in the offence, the applicant is not entitled to be released on bail.

10. The bail application is accordingly rejected.

**Order Date :- 23.9.2022**

pks