

(2024) 11 UK CK 0075

Uttarakhand High Court

Case No: First Bail Application No. 1586 Of 2024

Gore Lal Yadav

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Nov. 5, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 120B, 420, 467, 468, 471

Hon'ble Judges: Ravindra Maithani, J

Bench: Single Bench

Advocate: B.M. Pingal, Pramod Tiwari

Final Decision: Dismissed

Judgement

Ravindra Maithani, J

1. Delay in filing counter affidavit is condoned. Counter affidavit is taken on record. Delay Condonation Application, IA No.1 of 2024, stands disposed

of, accordingly.

2. Applicant is in judicial custody in FIR No.0013 of 2023, under Sections 420, 467, 468, 471, 120-B IPC, Police Station Yamkeshwar, District Pauri

Garhwal. He has sought his release on bail.

3. Heard learned counsel for the parties and perused the record.

4. According to the FIR, some forged cheques of Tehsildar Yamkeshwar were deposited and amount withdrawn. The FIR is quite in detail. It records

the cheque numbers and the amount that has been withdrawn. It is the prosecution case that the applicant had opened three bank accounts in the

name of Varun Yadav, Kaushal Yadav and Vinod Yadav in the Banks in Bihar. The forged cheque was deposited in those accounts.

5. Learned counsel for the applicant would submit that there is no evidence against the applicant; no forged cheque was ever recovered; merely based

on the statement of one Ajeet Kumar, the applicant has been implicated; even the mobile number, which is connected with the accounts of Varun

Yadav, Kaushal Yadav and Vinod Yadav, does not belong to the applicant.

6. On the other hand, learned State Counsel would submit that in the three bank accounts of Varun Yadav, Kaushal Yadav and Vinod Yadav, the

documents of the applicant are enclosed, including his photograph and identity proofs, which bears the photograph of the applicant. He would submit

that one employee of the post office, namely Ajeet Kumar, has stated it to the Investigating Officer that the applicant would introduce himself as

Varun Yadav, and he would receive the daak in the name of Varun Yadav, Kaushal Yadav and Vinod Yadav, which includes ATM, cheque books,

etc., and in lieu thereof, the applicant would pay money to Ajeet Kumar.

7. During the course of arguments, learned State Counsel has also placed for the perusal of the Court statement of the Bank Manager, Punjab

National Bank, Branch Avadh Complex, Khagadiya, Bihar. She has stated that the cheques were deposited in the account maintained in the name of

Varun Yadav. The cheque details are same, as recorded in the FIR. She has also stated that, in fact, the photograph of the applicant was fixed on

those account forms, as told to her by Ajeet Kumar.

8. It is a case of serious fraud. At this stage, much of the discussion is not expected of. The account, in which the amount was deposited, as per

prosecution, was opened by the applicant in different names.

9. Having considered, this Court does not see any ground, which may entitle the applicant to bail. Accordingly, the bail application deserves to be

rejected.

10. The bail application is rejected.