

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 05TH OF AUGUST, 2022

MISCELLANEOUS CRIMINAL CASE No.37858 of 2022

Between:-

**PRADEEP KUMAR SAXENA S/O
LATE SHRI NAND KISHORE
SAXENA, AGE- 67 YEARS,
OCCUPATION RETIRED
GOVERNMENT EMPLOYEE, R/O-
DWARKAPURI BASTI, IN FRONT
OF BHARTIYA VIDHYALAYA,
DISTRICT SHIVPURI (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI TAPENDRA SHARMA – ADVOCATE)

AND

**STATE OF MADHYA PRADESH
THROUGH SUPERINTENDENT OF
POLICE, ECONOMIC OFFENCES
WING (E.O.W.), SACHIN
TENDULKAR MARG, DISTRICT
GWALIOR (MADHYA PRADESH).**

.....RESPONDENT

***(SHRI ANKUR MODY – ASSISTANT SOLICITOR GENERAL
FOR STATE/EOW)***

This application coming on for hearing this day, the Court passed the following:

ORDER

Case Diary is available.

This first application under Section 438 of Cr.P.C. has been filed for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No.49/2012 registered at Police Station- Superintendent of Police (EOW), District Gwalior for offence under Sections 409, 420, 467, 468, 120-B, 109 of IPC and Sections 13(1), 13(2) of Prevention of Corruption Act and Section 13(1)(a)(b) of the Prevention of Corruption (Amendment) Act, 2018.

It is submitted by the counsel for the applicant that according to the prosecution case, the applicant was posted on the post of Draftsman and he has verified various forged bills, which were used for misappropriating the huge amount. It is submitted that the applicant has nothing to do with the preparation of forged bills and under the *bonafide* belief he had verified the same.

Per contra, the application is vehemently opposed by the counsel for the State/EOW. It is submitted that Anil Kumar Agrawal, who was working on the post of Executive Engineer, have embezzled a huge amount of Rs.4 crore. The applicant had actively assisted him by verifying the forged bills.

Heard learned counsel for the parties.

So far as the submission made by the counsel for the applicant that

he had acted in a *bonafide* manner for verifying the forged bills is concerned, the said submission cannot be accepted in the light of Section 52 of IPC, which reads as under:-

“52. “Good faith”.-Nothing is said to be done or believed in “good faith” which is done or believed without due care and attention.”

The basic purpose of verification is that the person verifying the bill has physically verified as to whether the work has been carried out or not. After verifying the bills, the applicant cannot run away from his responsibility simply by saying that he had done so under a *bonafide* belief. In absence of any submission with regard to due care and attention, this Court is of the considered opinion that no case is made out for grant of bail.

Accordingly, the application fails and is hereby **dismissed**.

(G.S. AHLUWALIA)
JUDGE

Arun*