

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 21778
of 2026**

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YOGENDRA VIJAY BAHADUR SINGH
Versus
STATE OF GUJARAT

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Appearance:
YASH G PATEL(9316) for the Applicant(s) No. 1
MR ROHAN RAVAL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE SANJEEV J.THAKER

Date : 15/10/2026

ORAL ORDER

***“Misuse of authority by a person entrusted with
protecting the money of customers strikes at the
very trust on which a banking institution functions.”***

1. The present application seeks anticipatory bail for the offences punishable under Section 406 of the Indian Penal Code and Section 66 C of the Information Technology Act. The allegations arise from the applicant's alleged misuse of his position as Cluster Sales Head of Axis Bank to reactivate the dormant bank account of a widow and facilitate the withdrawal of money deposited towards her financial assistance under a Government scheme.

2. By way of this application under Section 482 of

the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short*, “BNSS”), the applicant has prayed for anticipatory bail in the event of arrest in connection with the FIR being C.R. No.11199050260761 of 2026, registered with the Valiya Police Station, District : Bharuch for the offences punishable under Sections 406 of the Indian Penal Code and Section 66-C of the Information Technology (Amendment) Act.

3. *Rule.* Learned Additional Public Prosecutor waives service of notice of rule for respondent – State of Gujarat.

4. Heard learned advocates.

5.1 Learned advocate for the applicant submits that the applicant has no professional or other connection with accused No.1, Vishwajitsinh Pravinsinh Rathod. While accused No.1 served as Operational Head of Axis Bank, Valia Branch, from the year 2022 to 2024, the applicant was working as Cluster Sales Head, Bharuch, heading the sales teams of 14 branches. The applicant neither reported to nor supervised accused No.1, and had no occasion to interact with him in the ordinary course of business. Accused No.1 subsequently left Axis Bank and joined HDFC Bank, further negating any continuing connection between them.

5.2 It is further submitted that no monetary transaction has been alleged between accused No.1 or the complainant's account and the applicant. The relevant evidence, being electronic and documentary in nature, is available with Axis Bank and the concerned telecom service provider and can be accessed by the investigating agency. Hence, custodial interrogation of the applicant is unnecessary. Further, the alleged misappropriated amount of Rs.48,200/- has already been recovered or accounted for, and nothing remains to be recovered from the applicant.

5.3 It is also submitted that the gravity of the alleged larger conspiracy cannot, by itself, be attributed to the applicant, whose specific role has not been independently established even in the investigating officer's affidavit. The case against the applicant rests solely on the uncorroborated statement of co-accused No.1.

5.4 It is, therefore, submitted that the present application deserves to be allowed.

6.1 *Per contra*, learned Additional Public Prosecutor for the State has vehemently opposed the application, submitting that, as per the FIR and the statement of co-accused

Vishwajitsinh Pravinsinh Rathod, the dormant bank accounts were allegedly activated on the applicant's instructions by changing the registered mobile numbers, and the amounts were withdrawn using the respective ATM card/s. It is further submitted that co-accused Vishwajitsinh has stated that he repeatedly withdrew amounts from the complainant's account, retained Rs.15,000/- for himself, and handed over the remaining amount to the applicant.

6.2 It is further submitted that the complainant is a widow and the amount involved was financial assistance granted by the Government under the *Ganga Swarup Vidhva Sahay* Scheme for her sustenance. The alleged offence, therefore, amounts to a systematic fraud against a vulnerable widow. It is contended that the applicant, in connivance with the other accused, misused his position as Cluster Head to commit the offence. Considering the possibility of involvement of other persons, custodial interrogation of the applicant is necessary to ascertain the truth and uncover the *modus operandi*. It is, therefore, urged that the application be dismissed.

7. Having heard learned advocates for the respective parties and having considered the material available on

record, including the police papers, this Court finds as under:

7.1 The prosecution case, in brief, is that the applicant was working as a Cluster Sales Head at Axis Bank and, in connivance with accused No.1, Vishwajitsinh Pravinsinh Rathod, reactivated the dormant bank account of the complainant, a widow receiving financial assistance under the Government's Vidhva Sahay Scheme. It is alleged that the mobile number registered with the account was changed, the ATM card was retained by accused No.1 and the amounts deposited in the account were withdrawn and shared between the applicant and accused No.1. The statement of the co accused refers to the amount retained by him and the remaining amount allegedly handed over to the applicant. It is further alleged that, after learning about the police investigation, accused No.1 destroyed the ATM card and later deposited Rs.48,200/- back into the complainant's account.

7.2 The role attributed to the applicant is required to be considered in the light of the position held by him in the bank and the nature of the alleged acts. The prosecution does not allege his involvement merely on account of his employment or association with the co accused, but attributes to him a specific role in the operation of the complainant's

account. The allegations indicate that his involvement extended to the steps allegedly taken to facilitate the withdrawal of money, thereby raising a *prima facie* question of misuse of the authority entrusted to him.

7.3 The material collected during the investigation, when considered as a whole, *prima facie* connects the applicant with the alleged transaction. The prosecution relies upon the manner in which the account was reactivated and operated, as well as the alleged distribution of the withdrawn amount, to attribute an active role to the applicant. These circumstances cannot be considered separately, as they form part of the same alleged transaction and indicate the nature of his involvement.

7.4 The statement of the co accused is another circumstance relied upon by the prosecution. Its evidentiary value and admissibility will have to be considered in accordance with law at the appropriate stage. At present, however, the statement has to be examined along with the other material collected during the investigation. The allegations regarding the destruction of the ATM card and the subsequent deposit of money into the complainant's account also form part of the circumstances requiring

consideration, though their ultimate effect will be determined in accordance with law.

7.5 The complainant was receiving financial assistance under a Government scheme, and the alleged diversion of such assistance cannot be viewed merely as a dispute concerning a bank transaction. The applicant was holding a responsible position in the bank and was expected to ensure that customers' accounts were operated in accordance with the prescribed procedure. The alleged acts, if established, would indicate that the authority attached to his position was used against the interests of the customer. This circumstance adds to the seriousness of the allegations and has to be considered along with the specific role attributed to him.

7.6 The subsequent deposit of Rs.48,200/- into the complainant's account does not, by itself, remove the allegations concerning the earlier transactions or the applicant's alleged involvement. The return of the amount is a relevant circumstance, but it cannot be treated as sufficient to conclude that the allegations have lost their significance. The Court is required to assess the applicant's prayer for anticipatory bail on the basis of the overall material and the nature of the accusations.

8. While considering the prayer for anticipatory bail, this Court has taken into account the following aspects:

(i) The specific role attributed to the applicant in the reactivation of the dormant account and the alleged facilitation of the subsequent withdrawal of money.

(ii) The alleged misuse of the authority attached to his position as Cluster Sales Head of the bank.

(iii) The alleged change of the registered mobile number and the reactivation of the account without proper authorisation.

(iv) The alleged handing over of the ATM card to accused No.1, thereby facilitating the withdrawal of money from the complainant's account.

(v) The statement of the co accused regarding the distribution of the withdrawn amount and the amount allegedly handed over to the applicant.

(vi) The allegation that the ATM card was destroyed after the co accused learnt about the police investigation.

(vii) The nature of the complainant's financial assistance under a Government scheme and the alleged diversion of the amount received by her.

(viii) The effect of the subsequent deposit of Rs.48,200/- which does not, by itself, negate the allegations concerning the earlier transaction.

(ix) The requirement to assess the allegations with reference to the ingredients of the offences invoked, rather than relying solely upon the applicant's designation or the seriousness of the accusations.

(x) The cumulative effect of the specific role attributed to the applicant and the material relied upon by the prosecution, which does not persuade this Court to grant the protection of anticipatory

bail.

9. This Court is conscious that the seriousness of the allegations alone cannot be the sole ground for rejecting an application for anticipatory bail. In the present case, however, the prosecution has attributed a specific role to the applicant, and the material collected during the investigation *prima facie* connects him with the alleged transaction. The allegations concern the use of his position in the bank and his alleged participation in the diversion of money from the complainant's account. These circumstances, when considered together, weigh against granting the protection sought.

10.1 In the case of *Kalyan Chandra Sarkar v. Rajesh Ranjan Alias Pappu Yadav*, reported in (2004) 7 SCC 528, the Hon'ble Supreme Court has observed as under:

"The next argument of the learned counsel for the respondent is that prima facie the prosecution has failed to produce any material to implicate the respondent in the crime of conspiracy. In this regard he submitted that most of the witnesses have already turned hostile. The only other evidence available to

the prosecution to connect the respondent with the crime is an alleged confession of the co-accused which according to the learned counsel was inadmissible in evidence. Therefore, he contends that the High Court was justified in granting bail since the prosecution has failed to establish even a prima facie case against the respondent. From the High Court order we do not find this as a ground for granting bail. Be that as it may, we think that this argument is too premature for us to accept. The admissibility or otherwise of confessional statement and the effect of the evidence already adduced by the prosecution and the merit of the evidence that may be adduced hereinafter including that of the witnesses sought to be recalled are all matters to be considered at the stage of the trial.”

10.2 In the case of *Mohammed Fasrin v. State Rep. By the Intelligence Officer, rendered in Criminal Appeal No.296 of 2014*, the Hon’ble Supreme Court observed as under:

“.....The confessions of a co-accused gives a clue to the investigating authorities as to how to investigate the matter and against whom to

investigate the matter. Thereafter, it is for the investigating officers to collect evidence against the said person who has been named by the co-accused.....”

10.3 It is evident from the aforesaid decisions that a statement of a co-accused can be considered and treated as a clue or a piece of information for the purposes of initiating and conducting an inquiry or investigation, or for directing the investigation or inquiry in a particular direction, with the objective of ascertaining whether there exists any independent, satisfactory, and reliable material which may support, justify, or provide a reason for continuing the inquiry or investigation, or for initiating further investigation.

11. In the case of *Siddharam Satlingappa Mhetre vs State Of Maharashtra, reported in (2011) 1 SCC 694*, the Hon'ble Court held that life and personal liberty are the most prized possessions of an individual but not at the cost of larger interest of society and public. This is not a case, wherein accused is falsely enraged in the offence with a view to tarnish his image. Considering the fact that the custodial interrogation is required. The Hon'ble Apex Court in the case of *Jai Prakash Singh Vs State of Bihar & Anr. reported in 2012 4 SCC 379*, has been pleased to hold as under :

“Parameters for grant of anticipatory bail in a serious offences are required to be satisfied and further while granting such relief, the court must record the reasons therefore. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty.”

12. The investigation is at a nascent stage and custodial interrogation of the applicant is necessary to unearth the source, the extent of the network, and the role of other conspirators.

13. Having considered the nature of the allegations, the role attributed to the applicant and the material available on record, this Court finds no sufficient ground to exercise its discretion in favour of the applicant. At this stage, the Court is not required to determine the guilt of the applicant or conclusively assess the evidentiary value of the prosecution material. However, the circumstances emerging from the investigation do not justify granting anticipatory bail. Moreover, as held by the Hon’ble Apex Court in Special Leave Petition (Crl.) No.15785 of 2026, it is not for the High

Court to prescribe or suggest the manner in which an accused should be interrogated. The manner and extent of interrogation are matters which should be left to the discretion of the investigating agency, depending upon the requirements of the investigation.

14. Under the circumstances, the applicant has, therefore, failed to make out a case for grant of anticipatory bail. The application accordingly deserves to be rejected and is **rejected** accordingly. Rule stands discharged.

M.H. DAVE/84

(SANJEEV J.THAKER,J)