NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.3464 of 2015

Arun Kumar Mishra, S/o Shri Rakesh Mishra, aged about 29 years, Occupation Service, R/o Siddhi Vinayak Colony, Raigarh, Tahsil & District Raigarh (CG), Civil and Revenue District Raigarh.

---- Applicant

Versus

State of Chhattisgarh, through the Police Station City Kotwali, Raigarh.

---- Non-applicant

For Applicant:	Mr. B.P. Sharma, Advocate.
For Non-applicant:	Mr. Om Prakash Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

CAV Order

31/07/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.150/2015, registered at Police Station City Kotwali, Raigarh, for the offence punishable under Sections 409, 419, 420, 467, 468 and 471 of the IPC.
2. Case of the prosecution, in brief, is that the applicant while working as Customer Care Officer in ING Vysya Bank withdrawn an amount of Rs.34,03,400/- from the accounts of the complainants from 1-11-2014 to 26-12-2014 and thereby committed the offence.
3. I have heard learned counsel for the parties and perused the case diary.
4. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the case and he is in custody since 4-3-2015. Duty of the applicant is to take care of the customers relating to banking activities and in fact, he is not the person who has passed the cheque amount and the amount is alleged to have

been withdrawn from their bank accounts. Learned counsel would alternatively submit that there is evidence on record to show that the amounts of the complainants have already been paid by the bank finding no embezzlement by them and as such, the applicant is in jail since 4-3-2015 and charge sheet has already been filed.

5. On the other hand, learned State counsel opposes the application and submits that the applicant working as Customer Care Officer has fraudulently withdrawn the amount of Rs.34,03,400/- from the accounts of Matiram, Digambari Kalo, Smt. Udiya Nishad and Murlidhar. Part of the amount has been paid by the bank taking the responsibility and in order to save the reputation of the bank in the eyes of the public at large, as such, the applicant has withdrawn huge money belonging to the customers and causing damage to the reputation of the bank. Therefore, the applicant is not to be released on bail.

6. After hearing counsel for the parties, taking into account the manner in which the applicant is alleged to have withdrawn huge money i.e. Rs.34,03,400/- from the accounts of the complainants, I do not consider it a fit case for grant of bail to the applicant. The application is hereby rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma