HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC (A) No. 396 of 2016

Narayan Prasad Pathak S/o Shri Malik Ram Pathak Aged About 61 Years R/o Raghunathpuram (Wrongly Mention In The Impugned Order Raghunathpura), Uslapur, Police Chowki Sakri, Thana - Chakarbhata, Tah. & Distt. Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Koni, Distt. Bilaspur Chhattisgarh.

---- Respondent

For applicant – Shri Deepak Jain, Advocate.
For Respondent/State –Shri Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

10/05/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 37/2016 registered at Police Station Koni, Distt. Bilaspur (C.G.) for offence punishable under Sections 409, 406, 408 and 120 of Indian Penal Code.

2. As per the prosecution case the applicant was working as a Supervisor in the Cooperative Bank at Sarkanda. He was also in additional charge of Sendri Seva Sahkari Samiti as Manager. During the period from 2012 to filing of FIR i.e. 8/02/2016 several amounts were withdrawn from Sarkanda Cooperative Bank which were to be deposited in Semartal Zila Seva Sahkari Samiti but instead of amount deposited in Semartal Zila Seva Sahkari Samiti amount though withdrawn was usurpted. Applicant being one of the Supervisor has failed in his duty or put a brake to such witdrawal and eventually amount of total Rs.61 lakhs was withdrawn.

3. Learned counsel for the applicant submits that applicant was appointed on 15/01/2014 as a Supervisor in Sarkanda Cooperative Bank and was given additional charge of Sendri Seva Sahkari Samiti as a Manager.

Therefore, he was mainly looking for Sendri Seva Sahkari Samiti. It is submitted that applicant retired on 31/07/2015 and without forwarding letter of the Supervisor other co-accused Manindra Singh Thakur who was President, Raj Kumar Sahu Vice President, Baldev Prasad Dhivar Branch Manager of Seva Sahkari Samiti, Sendri withdrew different amount kept from 2012 and the applicant who was appointed in 2014 as a supervisor in the bank was not given lead as the amount so withdrawn were not shown in the accounts. It is submitted that according to the FIR offence is alleged to be from 2012 till FIR 2016 and the applicant retired on 31/07/2015. Therefore, it may be a case of negligence but not a case of criminal misappropriation.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the case diary and the report. Primarily it shows no audit was carried out from 2012 to 2015 and while amount was withdrawn from the Sarkanda Cooperative Bank by Seva Sahkari Samiti Semartal the same was allowed to be withdrawn. Though the applicant was in post of supervisor it is stated that Sarkanda Branch Manager Sitaram Sahu along with computer operator Minu Sahu allowed others to withdraw amount. What is the role played by the applicant was in knowledge of the applicant or not is still to be ascertained during investigation. Considering the documents, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

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