**NAFR**

# HIGH COURT OF CHHATTISGARH, BILASPUR

**MCRC No. 315 of 2018**

Sandip Kumar Singh S/o Ravindra Pratap Singh, Aged About 26 Years Occupation Service, R/o Village Ghoghra, Police Station And Tehsil Batouli District Surguja Chhattisgarh , Chhattisgarh

**---- Applicant**

**Versus**

State Of Chhattisgarh Through The Police Of Police Station Batouli District Surguja Chhattisgarh , Chhattisgarh

**---- Respondent**

**&**

**MCRC No. 724 of 2018**

Ashwini Kumar Kurre S/o Late Preetam Kurre Aged About 59 Years R/o Nawapara, Ambikapur, Police Station Gandhinagar, Tahsil Ambikapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

**---- Applicant**

**Versus**

State Of Chhattisgarh Through Police Station Batauli, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

**---- Respondent**

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Shri Manoj Paranjpe and Shri Govind Dewangan, counsel for respective applicants.

Shri Dhiraj Wankhede, Govt. Advocate for the State.

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**13/04/2018**

By this common order, the aforesaid two appeals are being disposed off by this common order as they arise out of the same crime number.

2. The applicants have been arrested in connection with Crime No.36/2017 registered at Police Station- Batouli, District - Surguja (C.G.) for alleged commission

of offence under Sections 420, 409 / 34 of IPC.

3. Case of the prosecution is that during the period, the applicants were posted in the Regional Rural Bank at Branch – Sedam, huge amount of money was transferred from the account holders without their knowledge and it is alleged that present applicants are involved in the case. As far as applicant – Sandip Kumar Singh, Office Assistant is concerned, the allegation is that he withdrew Rs.29,89,090/- from the accounts of 99 account holders of the bank by fake and forged withdrawal slips and misappropriated the money. In so far as applicant – Ashwani Kumar Kurre, Branch Manager is concerned, the allegation is that using his I.D., money was transferred from the account of one account holder to other persons.

4. Learned counsel for the applicant – Sandip Singh argued that the allegations that money was withdrawn from the account of 99 account holders by fake and forged withdrawal slips is not made out because there are no specific report to prove that concerned withdrawal slips did not contain signatures of the account holders.

Submission of learned counsel for the applicant – Ashwani Kumar Kurre is that the main allegations are against the co-accused Sandip Singh, Office Assistant working in the bank. The applicant – Ashwani Kumar Kurre is involved somehow in certain transactions of transfer of money from the account of account holder to other account holder, the I.D. password of the applicant has been used. He would submit that only because the applicant's I.D. was used in transfer of amount from one account to the other, it cannot be said that it was necessarily done by the applicant because the applicant, during the period when such transaction is alleged to have been made using his I.D., was out of station.

5. On the other hand, learned State counsel opposes bail application and submits that in one branch, the applicant and co-accused have remained involved in withdrawing huge amount from the account of large number of account holders which shows that in the bank, these officers were involved in misappropriating bank money by misusing their official position.

6. As far as Sandip Kumar Singh is concerned, upon perusal of the case diary, it is found that as many as 99 account holders have made complaint that from their accounts, amount was withdrawn though they never withdrew the amount. It is *prima facie* found that those amounts were withdrawn by applicant – Sandip Singh

who was working as Assistant in the branch and therefore, a *prima facie* case is made out of he being involved in forged withdrawal of huge amount of Rs.29,89,090/- from about 99 account holders.

7. As far as Applicant – Ashwani Kumar Kurre is concerned, he was working as Branch Manager and upon perusal of the material contained in the case diary, it is *prima facie* found that money was being transferred from the accounts of the account holders of the bank to third party using I.D. of the present applicant. According to prosecution, Rs.4,35,000/- was transferred to another account by using I.D. of the present applicant and the account holder has alleged that this transaction has taken place without they having made any such request for transfer and without his knowledge. Similar allegations are in respect of other account holders in which, total amount alleged to be involved is Rs.12,54,070/-.

8. Considering the aforesaid material and the amount involved, at this stage, I am not inclined to grant bail to the applicants merely because charge sheet has been filed. Therefore, both the applications are rejected, however, with liberty to revive at an appropriate stage, if there is undue delay in conclusion of trial resulting in long detention of the applicants in jail.

Sd/-
**( Manindra Mohan Shrivastava )**
**Judge**

Deepti