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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2497 of 2020

- Abhishek Mandal S/o Shri Jaibandhu Mandal Aged About 25 Years R/o G.M.Q. Colony Vishrampur, Thana Vishrampur, Tahsil And District Surajpur, Chhattisgarh, (Age Is Wrongly Mentioned In Order Sheet),

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station Ramanujnagar, District Surajpur, Chhattisgarh

---- Respondent

MCRC No. 3496 of 2020

- Surendra Surae Marandi S/o Shri Budhan Marandi Aged About 36 Years R/o Village Ranipal, Post Punna Pani, Tehsil Rairangpur, District Mayurbhanj Odisha

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ramanujnagar, District Surajpur Chhattisgarh

---- Respondent

For Applicant in MCRC No.2497/2020:- Mr. Samir Singh, Adv.
For Applicant in MCRC No.3496/2020:- Mr. Ashish Surana, Adv.
For Respondent-State :- Ms. Fouzia Mirza, Addl.A.G.

Proceedings through Video Conferencing

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

13/08/2020

1. Since these two bail applications arising out of same crime i.e. Cr.No199/2019 they are being considered and decided by this common order.

2. The applicants have preferred these applications under Section 439 of the Cr.P.C. for grant of regular bail as they were arrested in connection with crime No.199/2019 registered in Police Station Ramanujnagar, Distt. Surajpur C.G. for the offence punishable under Sections 420,409,467,468,471, 120B and 34 of the I.P.C.

3. Case of the prosecution, in brief, is that applicant – Abhishek Mandal was the Cashier and applicant – Surendra Surae Marandi was the Assistant Manager of the Central Bank of India, branch Ramanujnagar. These two applicants along with other bank officers/employees have withdrawn huge amount to the tune of ₹ 1 Crore, either in cash or by way of transfer of amount in some accounts. The amount belongs to different individuals who have obtained loan from the bank.

4. For applicant – Abhishek Mandal, it is argued that he is the Cashier, therefore, was not involved in transfer of amount to other accounts. For applicant – Surendra Surae Marandi, it is argued that he was transferred to Bhubaneshwar (Odisha) in July, 2019 and almost ₹ 60 Lacs were withdrawn after his transfer. It is also argued that in similar case bearing MCRC No. 1405/2020, this applicant has been released on regular bail vide order dated 13.05.2020.

5. Learned State counsel would oppose the bail applications on submission that huge amount has been withdrawn from the respective accounts of the beneficiaries without their knowledge, therefore, considering the seriousness of the offence, the applicants are not entitled to be released on bail.

6. True it is that the offences are triable by JMFC, however it is also to be seen that huge amount to the tune of ₹ 1 Crore, either in cash or by way of transfer of amount in some accounts belongs to various beneficiaries. The defrauded beneficiaries were never aware that the amount has been withdrawn from their account. Almost all the officers and employees of the bank were involved in the crime as if they were committing dacoity inside the bank.

7. In MCRC No.1405/2020 applicant – Surendra Surae Marandi has been enlarged on bail after finding that the complainant in that case was defrauded for ₹ 6 Lacs. It does not reflect from the order that the Court was made aware that the fraud was of about ₹ 1 Crore.

8. Considering the seriousness of the offence and the *modus operandi* adopted by the bank officers/employees in committing the fraud, this Court is not inclined to release the applicants on bail.

9. Accordingly, both the bail applications under Section 439 of the Cr.P.C. are rejected.

SD/-
(**Prashant Kumar Mishra**)
Judge

Ayushi