

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 881 of 2020

Alok Kumar Singh S/o Manoj Kumar Singh Aged About 25 Years R/o Village Marseti, P.S. Teghra District Begusarai Bihar Presently R/o Darripara P.S. And Tahsil Ambikapur District Surguja, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Batauli District Surguja, Chhattisgarh

---- Respondent

For Applicant	: Mr. Shakti Raj Sinha, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

01.10.2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this First Bail Application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with Crime No.36/2017, registered at Police Station: Batauli, District: Sarguja (C.G.) for the offence punishable under Section 420, 409 & 34 of IPC.
3. In this case, there are total 03 accused persons. On 06.04.2017, the branch Manager of the Regional Rural Bank, Branch-Sedam, made a report against the present Applicant and other two accused persons i.e. Ashwini Kurre, the then Branch Manager and Sandip Kumar Singh, the then Office Assistant. It is alleged that, co-accused Sandip Kumar Singh, withdrew amount of Rs.29,89,090/- from the account of 99 account holders of the bank by way of forged withdrawal slips and misappropriated the money. Allegations against another co-accused

person Ashwini Kurre and present Applicant is that by way of their ID, money was transferred from one account holder to other persons. On the basis of said report, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He also submits that at the relevant time the present Applicant was posted as Probationary Officer, the alleged money have been embezzled by the co-accused Sandip Singh, by using the user ID of the present Applicant and co-accused Ashwini Kurre. This fact was told by the present Applicant to the investigating agency that his User ID was stolen by the co-accused Sandip Singh. He further submits that both the co-accused persons have been granted benefit of regular bail by this Court. Charge-sheet has been filed by declaring absconded to the present Applicant, but no proceeding under Section 82 of Cr.P.C. has been drawn against the present Applicant, therefore, he is not a proclaimed absconder, therefore, he prays for grant of anticipatory bail to the Applicant.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties, after going through the entire material annexed with the case diary and in the present application, it appears that all the main allegations are against Sandip Singh, who has been granted regular bail by this Court, charge-sheet has been filed and no custodial interrogation is required of the present Applicant, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with

one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicant shall appear before the Trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge