NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5466 of 2020

Vikas Anand, S/o Shri Janardan Prasad, Aged about 31 years, R/o Village Mahatma Gandhi Colony, Gali No.1 Pakharipir (wrongly mentioned Pokhariya Teer) Chowk Atradha, Muzaffarpur, Bihar Presently R/o in house No. 4103, Burari New Delhi, District New Delhi, Delhi

---- Applicant

Versus

State Of Chhattisgarh Through the Station House Officer, P.S. Sitapur, District Surguja (CG)

---- Respondent

For Applicants	:	Shri Aditya S. Gupta, Advocate
For Respondent	:	Shri H.S.Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

29.9.2020

1. The matter is heard through video conferencing.
2. The case is listed for hearing on admission. The same is admitted for hearing.
3. The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.231/2016, registered at Police Station –Sitapur, District Surguja(C.G.) for the offence punishable under Sections 420, 467, 468, 471 of the IPC.
4. First bail application of the applicant was dismissed vide order dated 29.1.2019 passed in MCRC No. 9932/2018.

5. It is the case of the prosecution that the applicant was posted as Probationary Officer in Central Bank at Sitapur Branch from 27.11.2010 to 27.8.2012. He opened bank account in the name of Usha Ekka and deposited Rs.25,16,538/- in the said forged account withdrawing profit loss account of the said branch. Thereafter, he transferred the same in his own accounts. During his posting at Nasik he withdrew Rs.78,14,470/- from the branch Malpur, Dindori of Central Bank and deposited the same in his own account. Thus, he withdrew total amount of Rs.1,03,31,008/-.

6. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the case. He submits that father of the applicant has already deposited the amount of Rs. 57,00,000/- in the Bank. He submits that the applicant is in jail since 4.8.2018 and trial is likely to take some time for its final disposal, therefore, he may be released on bail.

7. On the other hand, counsel for the State opposes the bail application. He submits that the applicant has committed cheating with the Bank and embezzled the huge amount of Rs. 1,03,31,008/-.

8. Considering the totality of the facts and circumstances of the case, nature of allegations against the applicant and the role attributed to the applicant, I am of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.

9. Accordingly, the application filed under Section 439 Cr.P.C. is dismissed.

10. Certified copy as per rules.

Sd/

(Rajani Dubey)
Judge

sunita