NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 94 of 2021

1. Aneesh Sharma S/o Late Shri K.N. Sharma, Aged About 38 Years, R/o 103, Gole Ka Mandir, Sunrise Residency Bank Colony, Gwalior, Madhya Pradesh., District : Gwalior, Madhya Pradesh
2. Aabha Purohit W/o Mr. Aneesh Sharma, Aged About 35 Years, R/o 103, Gole Ka Mandir, Sunrise Residency Bank Colony, Gwalior, Madhya Pradesh., District : Gwalior, Madhya Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kumhari, Districtc Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Kishore Bhaduri, Advocate.
For Non-applicant/State – Shri H.S. Ahluwaliya, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

17-05-2021

1. Apprehending arrest in connection with Crime No.181/2020, registered at Police Station – Kumhari, Districtc Durg, Chhattisgarh for offence punishable under Section 409 and 420 of the IPC, the applicants have preferred this application under Section 438 of Cr.P.C. for grant of anticipatory bail.

2. Learned counsel for the applicants submits that both the applicants have been falsely implicated in this case. It is submitted that transferring funds from various internal accounts of bank to the defaulting accounts is in practice in order to project a commercially upright picture to save the bank accounts which are on verge of being declared as Non-performing assets. This is done at the behest of top officials of the bank and the applicant No.1 has done the same which was in the interest of the bank. It is also submitted that applicant No.1 got receipts from his father, which received by him after maturity of the fixed deposit and the same were transferred to the account of applicant No.2. Applicant No.2 has not made any transaction by herself, hence, she has no part in the said transfer of the amount to her bank accounts. Placing reliance

on the judgment of Hon'ble the Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar**, reported in (2014) 8 SCC 273 it is submitted that unless and until there is extreme necessity applicants should not be arrested. On the contrary applicant No.1 is ready to cooperate with the investigation and provide all the details that are needed. Therefore, it is prayed that both these applicants be benefited with grant of anticipatory bail.

3. Learned counsel for State/non-applicant opposes the submission and the application and it is submitted that it is a clear case of embezzlement of huge amount by the applicant No.1 who was an employee in the bank and applicant No.2 is the beneficiary who received the amount of embezzlement in her bank account. Therefore, both these applicants are not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. Complainant Rajeev Kerketta, Branch Managr of Indian Bank, Kumhari has lodged the FIR that applicant No.1 during his posting in the bank as Branch Manager between 21-07-2018 to 11-09-2020 has made withdrawals from the KCC accounts of farmers, accounts of businessmen and the internal accounts of the bank. In total he made such withdrawals from 80 bank accounts through 118 entries and amount of Rs. 61,83,250/- have been embezzled and the same have been deposited in the accounts of applicant No.2 and one co-accused Sumit Kumar.

6. Considered on the submissions. After taking into consideration facts present in the case, I am of this view that applicant No.1 does not deserve for grant of anticipatory bail. However, case of applicant No.2 appears to be different as she has not actively made any transaction in the bank accounts and the only fact established is this, that some of the amount has been deposited in her bank account. The other circumstance about her knowledge in this respect may be revealed in the trial, but at present I feel inclined to allow her

prayer for grant of anticipatory bail.

7. Accordingly, the prayer for grant of anticipatory bail of applicant No.1 is rejected. The prayer for grant of anticipatory bail of applicant No.2 is allowed and it is directed that in the event of arrest of applicant No.2 Aabha Purohit in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant No.2 shall also abide by the following conditions :

(i) that applicant No.2 shall make herself available for interrogation before the investigating officer as and when required;

(ii) that applicant No.2 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) that applicant No.2 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that applicant No.2 shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge

Aadil