

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3448 of 2021

- Sachin Govindrao Gaikwad @ Pappu, S/o Govind Rao, Aged About 32 Years, R/o- House No. 1280, Rajesh Nagar Police Station Bhagya Nagar, District- Nanded, Maharashtra.
---- Applicant

Versus

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

---- Non-Applicant

For Applicant : Mr. Soumya Rai, Advocate
For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

20.07.2021

- 1) The first bail application of the applicant was dismissed as withdrawn vide order dated 15.03.2021 in MCRC No. 915 of 2021.
- 2) The applicant has preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 22.11.2019 in connection with Crime No. 199/2019 registered at Police Station- Ramanujnagar, District- Surajpur (C.G.) for the offence punishable under Section 420, 409, 467, 468, 471, 120 B read with Section 34 of IPC.
- 3) Case of the prosecution, in brief, is that the present applicant alongwith co-accused persons who were working in the Central Bank branch Ramanujganj fraudulently withdrew Rs. 90,32,880/- by making forged signatures of the complainant and other account holders without their consent.
- 4) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question, he further submits that the present applicant was working in the bank on the post of Agriculture Loan Officer, he did not make forged signature for transfer of the money of account holders, charge-sheet has already been filed, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the applicant has been arrested on 22.11.2019 and due to Covid-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 5) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant by committing criminal breach of trust and forgery in a fraudulent manner withdrew a huge amount of Rs. 90,32,880/- in conspiracy with other co-accused persons. State counsel further submits that bail applications of the co-accused persons namely Abhishek Mandal and Surendra Suae Marandi in this case have already been rejected by the co-ordinate Bench of this Court vide order dated 13.08.2020 passed in MCRC Nos. 2497 & 3496 of 2020.
- 6) Having heard learned counsel for the parties.
- 7) True it is that the offences are triable by JMFC, however it is also to be seen that huge amount of Rs. 90,32,880/-, 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.
- 8) Having regard to the facts and circumstances of the case, nature of allegation made against the present applicant, the bail applications of similarly situated co-accused persons have already been rejected by the co-ordinate Bench of this Court, the applicant has one criminal antecedent of similar nature bearing crime number-156/2019, where he has committed fraud for an amount of Rs. 5 lacs whereas in the present case, he in

conspiracy with co-accused persons have committed criminal breach of trust involving a huge amount of Rs. 90,32,880/-, without commenting anything on merits of the case, I am not inclined to grant bail to the present applicant.

9) Accordingly, the bail application is rejected.

Sd/-
(Gautam Chourdiya)
Judge

Nadim