

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 788 of 2021**

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.

----Applicant**Versus**

State of Chhattisgarh, Through : The S.H.O., P.S.- Kumhari, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kishore Bhaduri, Sr. Advocate with
Mr. Sabyasachi Bhaduri, Advocate

For Respondent/State : Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****08/09/2021**

1. Apprehending arrest in connection with Crime No.181/2020, registered at Police Station – Kumhari, District – Durg (C.G.) for offence punishable under Section 409 & 420 of the Indian Penal Code, the applicant has preferred this second bail application for grant of anticipatory bail. The first bail application M.Cr.C.(A) No.94 of 2021 was dismissed on merits vide order dated 17.05.2021.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant was serving as Senior Manager in Indian Bank, Zonal Office, Raipur, who is presently under suspension. The applicant has acted in performance of the duty according to the practice prevailing showing less non-performing assets (NPA). As regards the deposits made in the account of wife of the applicant and one

Sumit Kumar, the applicant has explanation that the amount was the sale proceeds of the property sold by his father. It is submitted that there is no requirement of any custodial interrogation of the applicant as all the evidence that has been collected in the investigation is documentary evidence, which can not be interpolated by the applicant. Arrest of the applicant is no solution for the purpose of investigation. Placing reliance on the judgment of Supreme Court in case of **Siddharth Vs. State of Uttar Pradesh**, reported in **2021 SCC OnLine SC 615**, and submitted that arrest of an accused for the purpose of Section 170 of Cr.P.C. is not necessary as the personal liberty of an individual is important. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the previous anticipatory bail application of the applicant has been dismissed on merits. Therefore, this Court can not recall its decision given on merits. Hence, this application may be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Considered the submissions made. The grounds raised by the applicant in the present application are same, which he had raised in his previous application, which has been considered in M.Cr.C. (A) No. 94 of 2021 and dismissed vide order dated 17.05.2021. Therefore, there are no new circumstances present for consideration and neither there is any change in circumstances to be taken note of, therefore, this Court is of the view that this second application for grant of anticipatory bail is not maintainable.

6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram