

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5132 of 2021**

- Vikas Anand @ Vikas Anand Yadav S/o Shri Janardan Prasad Aged About 31 Years R/o Rajiv Nagar, Patna, Bihar, Presently R/o House No. 4103, Burari Gali No. 108, Sant Nagar, New Delhi

---- Applicant**Versus**

- State of Chhattisgarh, Through : SHO Police Station Sitapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Shrmila Shinghai, Senior Adv. with Ms. Taniya Mandal, Advocate.
For Respondent/State	:	Mr. Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/09/2021**

1. The accused/applicant has moved this **third 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 and 471 of the IPC.
2. The second bail application of the applicant was dismissed by this Court vide order dated 29.09.2020 in MCRC No. 5466/2020.
3. As per the prosecution case, the applicant was posted as Probationary Officer in Central Bank at Sitapur Branch from 27.11.2010 to 27.08.2012. It is alleged that the applicant 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/-

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that father of the applicant has already deposited the amount of Rs. 57,00,000/- in the Bank. He next submits that the applicant is in jail since 04.08.2018 which is more than 3 years and all the offences are triable by Magistrate First Class and Magistrate has no power to convict the applicant for more than 3 years of jail sentence. He also submits that prosecution has listed more than 32 witnesses and till date only 6 witnesses have examined before the trial court, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application and submits that the applicant has committed cheating with the Bank and embezzled the huge amount of Rs. 1,03,31,008/-, therefore, the applicant may not be released on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and situation of the case, taking into consideration detention period of the applicant, particular in case that all the offences are triable by Magistrate First Class and prosecution has listed more than 32 witnesses and till date only 6 witnesses have examined before the trial court, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 5,00,000/- with

one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

H.L. Sahu