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HIGH COURT OF CHHATTISGARH, BILASPUR

Order reserved on 17-12-2020

Order delivered on 06-01-2021

MCRC No. 6604 of 2020

- Salman Ahamed Mansuri S/o Kurban Ahamed Aged About 25 Years Caste- Musalman, R/o Village- Tripureshwarpur, P.S. And Tahsil- Ramanujnagar, District Surajpur (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Ramanujnagar, District Surajpur (Chhattisgarh)

---- Respondent

MCRC No. 6615 of 2020

- Amosh Ekka, S/o Kalam Ekka, Aged About 37 Years Caste - Uraon, R/o Village - Patna, Badgaipara, Police Station - Ramanujnagar, District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through SHO Police Station Ramanujnagar, District Surajpur Chhattisgarh.

---- Respondent

MCRCA No. 1295 of 2020

- Amit Kumar Gupta S/o Shri Shatrughan Gupta Aged About 35 Years R/o Darripara, Ambikapur , Police Station Ambikapur , Tehsil Ambikapur , District Sarguja Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Ramanujnagar, District Surajpur Chhattisgarh.

---- Respondent

For Applicant in MCRC No.6604/2020 :- Mr. Shakti Raj Sinha, Adv
& MCRC No.6615/2020
For Applicant in MCRCA No.1295 of 2020:- Mr. Arvind Singh, Adv
For Respondent-State :- Mr. V.R. Tiwari, Addl.A.G. & Mr. Sameer Uraon, G.A.

Hon'ble Shri Justice Prashant Kumar Mishra
CAV Order

Since all the bail applications are arising out of same crime i.e. Cr.No. 110/2020 they are being considered and decided by this common order.

MCRC No.6604/2020 & MCRC No.6615/2020

The applicants- Salman Ahamed Mansuri and Amosh Ekka have preferred these applications under Section 439 of the Cr.P.C. for grant of regular bail as they are arrested in connection with crime No.110/2020 registered in Police Station Ramanujnagar, Distt. Surajpur C.G. for the offence punishable under Sections 420, 409, 467, 468, 471, 120B of the I.P.C.

MCRCA No.1295 of 2020

The applicant – Amit Kumar Gupta has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.110/2020, registered at Police Station Ramanujnagar, Distt. Surajpur C.G. for offence punishable under Sections 420, 409, 467, 468, 471, 120B of the I.P.C.

1. As per the written report lodged by Balram Mohanty, Branch Manager, Central Bank of India, Ramanujnagar (for short 'the Bank'), on the basis of which the subject FIR dated 24-6-2020 has been registered. The Manager and employees of the Bank, in criminal conspiracy with other accused persons, most of whom are the account holders of the Bank, have fraudulently transferred the amount lying in the account of other depositors to cause loss to the Bank and in the said process they have forged bank records and misappropriated an amount of more than Rs.2.00 crores.
2. The Bank Manager and employees namely; Alok Kumar Gupta, Branch Manager, Devesh Kumar Lalkher, Cashier, Abhishek Mandal, SWO, Surendra Surae Marandi, Assistant Manager & Sachin Gaikwad, Agricultural Field Officer, transferred an amount of Rs.25.00 lacs, in the account of applicant Amit Kumar Gupta, lying in a different Bank as he is not an account holder of the concerned branch and likewise an amount of Rs.23.32 lacs was transferred in the account of Salman Ahamed Mansuri and an amount of Rs.22.5 lacs was transferred in the account of Amosh Ekka. These applicants withdrew the amount immediately upon

transfer of the amount in their respective accounts and despite notice by the Bank they did not return/deposit the amount to the Bank.

3. Learned counsel for the applicants would argue that the applicants are account holders, therefore, they are not aware as to how the amount was transferred in their account. The applicants cannot be punished for the mistake committed by the Bank officers and employees.

4. Per contra, learned counsel for the State would vehemently oppose the bail applications. He would submit that whopping amount of more than Rs.2.00 crores has been misappropriated by committing fraud and manipulating the Bank account. Because of the act of the accused persons, the depositors have lost faith in the Bank, therefore, it is an offence against the whole banking system.

5. Applicant - Amit Kumar Gupta is not an account holder of the subject branch yet he withdrew an amount of Rs.25.00 lacs as soon as it was transferred in his account. Similarly, two other applicants namely; Salman Ahamed Mansuri and Amosh Ekka, who were having accounts in the subject branch withdrew the amount immediately when the amount was deposited in their account without verifying as to who has transferred the amount. The applicants were very well aware that the amount does not belong to them yet it was withdrawn immediately which substantiates the prosecution

case regarding collusion with the Bank officers and employees who manipulated the bank records and transferred the amount in their account.

6. It is worth mentioning that during enquiry regarding pendency of bail applications arising out of this crime number, it came to my notice that in similar offence bearing Crime No.199/2019, registered against the Bank Officers and employees on the basis of report lodged by the defrauded depositors, this Court has denied regular bail to Abhishek Mandal and Surendra Surae Marandi by common order dated 13.08.2020 passed in MCRC Nos.2497 and 3496 of 2020.
7. Considering the enormity of the amount and the impact of the crime on the banking system as also for the reason that none of the applicants have returned the amount to the Bank despite notice, I am not inclined to admit the applicants either to anticipatory or to regular bail.
8. Accordingly, all the bail applications are rejected.

SD/-
(**Prashant Kumar Mishra**)
Judge

Ayushi