IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37318 of 2022

Arising Out of PS. Case No.-13 Year-2017 Thana- C.B.I CASE District- Patna

==

Naluparayil Varghese Raju @ N.V. Raju Son Of Anand Senapati R/O- Jogsar Chandi Pd. Lane, P.S.- Kotwali, Dist.- Bhagalpur

... ... Petitioner/s

Versus

Central Bureau Of Investigation New Delhi.

... ... Opposite Party/s

==

Appearance :

For the Petitioner/s	:	Mr. Uday Pratap Singh
For the C.B.I.	:	Mrs. Nivedita Nirvikar, Sr. Advocate
	:	Ms. Nirmala Singh, Advocate

==

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

C.A.V. ORDER

5 27-09-2022 Heard Mr. Sanjeev Ranjan, learned counsel appearing for the petitioner and Mrs. Nivedita Nirvikar, learned Sr. counsel appearing on behalf of the C.B.I.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Section 120-B read with Sections 409, 420, 467, 468 and 471 of the Indian Penal Code and Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988.

According to prosecution case, in the instant F.I.R. arising out of Srijan Scam in brief is that the petitioner who took charge as the District Land Acquisition Officer (in short DLAO), Bhagalpur transferred huge amounts in the account of Srijan Mahila Vikas Sahyog Samiti Ltd (in short SMVSSL). This was done without any public interest and merely to put government fund at the disposal of Smt. Manorma Devi of SMVSSL.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that in fact the petitioner is neither the officer of the bank nor the Government officer or he is concerned with Srijan Mahila Vikas Sahyog Samiti Ltd. (for short “SMVSSL”) in any officer capacity. The name of the petitioner did not figure in the F.I.R. nor in the first charge sheet submitted by the C.B.I. Learned counsel for the petitioner further submits that the C.B.I. deliberately and with malafide intention made the petitioner is an accused in the second charge sheet which was submitted on 31.12.2020 after three years of the lodging the present F.I.R. Learned counsel for the petitioner further submits that as per allegation in the charge sheet, the petitioner is alleged to have filled the cheque or filled deposit slip pursuant to the money was credited in the account of SMVSSL except for filing the 11 cheques and depositing the same with the Indian Bank, there is no other allegation against the petitioner. The petitioner is not alleged to have withdraw the amount from the account of SMVSSL and there is no allegation against the petitioner of acting dishonestly or prudently in converting to his phone use or to same else to said cheque without the consent of drawer and the petitioner is in custody since 29.03.2022 in the present case.

The learned counsel for the C.B.I. on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that in the present case the C.B.I. has filed charge sheet dated 06.11.2017 and supplementary charge sheet dated 31.12.2020 against 22 accused persons including the petitioner under Sections 120(B), 409, 467, 468 and 471 of the Indian Penal Code and Sections 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. She further submits that the investigation has revealed that there are total eight bank accounts out of four is in Bank of Baroda and four is in Indian Bank, Bhagalpur in the name of the District Land Acquisition Officer, Bhagalpur and the role of the petitioner is that he has played key role in the criminal conspiracy of the diversion and misappropriation of government funds of District Land Acquisition Officer (DLAO) to the bank account of SMVSSL and the petitioner was the close associate and confident of Late Smt. Manorma Devi of SMVSSL and has filed the forged cheque and deposit slip in his own hand writing due to that the government funds of DLAO has been diverted into the bank accounts of SMVSSL maintaining Indian Bank, Bhagalpur.

Learned counsel for the petitioner in reply to the submission made by the learned counsel for the petitioner submits the drawee of the cheque namely Shri Jayshree Thakur and Rajeev Ranjan Singh, DLAO have been granted bail vide orders dated 25.01.2022 and 30.06.2022 passed in Cr. Misc. No. 44001 of 2021 and Cr. Misc. No. 15647 of 2021 respectively and the case of petitioner stand on better footing.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sp. Case No. 2/2021/R.C. 13(A)/2017, subject to the following conditions:-

1. If the petitioner possess Indian Passport, the same will surrender at the time of furnishing bail bond.

2. Petitioner shall co-operate in the trial and shall be

properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

3. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

vanisha/-

U		T	