

Rajendra Kumar. Vs. the State of Rajasthan.

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Court : Rajasthan Jaipur

Decided On : Apr-23-2011

Judge : Mohammad Rafiq, J.

Acts : Indian Penal Code (IPC) - Section 120B, 467, 468, 471 Read With Sections 409, 420, 477A; Prevention of Corruption Act - Section 13(2)(1) (1)(d)

Appeal No. : S.B. Cr. Misc. Bail Application No.2415/2011.

Appellant : Rajendra Kumar.

Respondent : The State of Rajasthan.

Advocate for Def. : Shri Tej Prakash Sharma, Adv.

Advocate for Pet/Ap. : Shri Anil Upman, Adv.

Judgement :

1. Heard learned counsel for petitioner, learned Public Prosecutor as well as learned counsel for CBI and perused material made available to me during course of arguments.

2. This bail application has been filed by petitioner Rajendra Kumar on the ground that petitioner, being a Cashier in the Bank, was working under supervision of principal accused V.D. Bhatt. It was V.D. Bhatt, who misused user ID of petitioner and thereby made various fictitious debit and credit entries in different accounts and wrongfully withdrew the amount from those accounts.

3. It is argued that during search by Central Bureau of Investigation (for short, 'the CBI'), blank cheques of different account-holders were found in possession of principal accused V.D. Bhatt. Case of petitioner is similar to that of accused Gopal Singh. Co-accused V.D. Bhatt by using his user ID also made fourteen entries in different accounts, but the CBI did not file challan against him. Learned counsel submitted that his case is distinguishable and stand on better footing than that of Umesh Chand Sharma because C.B.I. while filing charge-sheet against him in Column 'Ta' thereof, CBI described him as accused for offence under Section 120B read with Section 409/420, 477A of the IPC read with Section 13(2) and 13(1) (1)(d) of Prevention of Corruption Act but this column relating to petitioner has been left blank.

4. Petitioner has fully cooperated with the CBI investigation inasmuch as it was he who first discovered this scam of principal accused V.D. Bhatt by informing the Mahatma Gandhi Veterinary College, Bharatpur, which is apparently clear from the affidavit given by Shri Abhishek Bhatt, Accountant of that College, produced before the investigating agency. In fact, the petitioner was initially produced as a witness by the CBI itself and his statement under Section 164 of the Cr.P.C. was recorded in which he candidly disclosed every detail as to by what modes operandi principal accused V.D. Bhatt has deceived so many account-holders. Petitioner is a victim rather than being an accused because principal accused V.D. Bhatt in the capacity of Branch Manager of the Bank, misused his user ID and thereafter granted approval to close fictitious entries by his own user ID as Branch Manager.

5. It is contended that the CBI did not arrest the petitioner but rather required him to appear before the trial court when the challan was filed. Petitioner appeared before the court of Special Judge, CBI Cases, which, instead of granting him bail, sent him behind the bars. Petitioner is ready and willing to face the trial. There is no previous case ever registered against the petitioner. He is in jail since 21.12.2010. The total alleged loss was said to be of Rs.23,21,420/- and the entire money has been deposited by different account holders and four of these account holders, namely, Om Prakash, Mahesh Chand, Pooran Singh and Smt. Amina, have already been enlarged on bail under Section 439 Cr.P.C.

6. After considering all the facts and circumstances of the case and without expressing any opinion on its merits and demerits, I deem it just and proper to allow this bail application. It is therefore ordered that accused-petitioner, namely, Rajendra Kumar Son of late Shri Rameshwar Dayal, Resident of Behind Shive Talkies, Sahyog Nagar, Bharatpur (presently confined in Central Jail, Jaipur) be released on bail under Section 439 Cr.P.C., in FIR No.RCJA12008A0023 dated 05.12.2008 registered at Police Station Special CBI, Jaipur, under Sections 409, 420, 467, 468, 471, 477A, 120B of the IPC and Section 13(2) read with 13(1)(c) & (d) of Prevention of Corruption Act, provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25000/- each to the satisfaction of the trial court for his appearance on all subsequent dates of hearing and as and when called upon to do so. The bail application stands disposed of.

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