

(2024) 10 UK CK 0115

Uttarakhand High Court

Case No: First Bail Application No. 1563 Of 2024

Arjun Singh

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Oct. 23, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 420, 467, 468, 471

Hon'ble Judges: Ravindra Maithani, J

Bench: Single Bench

Advocate: Ruhani Sahani, Pramod Tiwari

Final Decision: Dismissed

Judgement

Ravindra Maithani, J

1. Delay in filing objection is condoned. Objection is taken on record. Delay Condonation Application, IA No.1 of 2024, stands disposed of,

accordingly.

2. Applicant is in judicial custody in FIR No.0425 of 2022, under Sections 420, 467, 468 and 471 IPC, Police Station Kotwali Jwalapur, District

Haridwar. He has sought his release on bail.

3. Heard learned counsel for the parties and perused the record.

4. According to the FIR, the applicant was working in Bank of India, Branch Sarai, District Haridwar. He was to serve tea, water and clean the

Branch. He was on daily wages. He stopped attending office from 05.03.2022. Subsequently, certain persons visited the Branch Manager of the Bank

and enquired that they had given money to the applicant for depositing in their accounts. The applicant had issued receipt also, but the money was not

credited in their respective accounts. It was revealed that, in fact, the applicant had issued forged receipts, took money from the depositors, but it was not deposited in their accounts. The FIR was lodged.

5. Learned counsel for the applicant would submit that the FIR is delayed. There is no plausible explanation for it. It was not the duty of the applicant to receive money for depositing in the Bank account; the applicant was merely working on the daily wages; if a depositor deposits money in his account, he gets alert on the mobile phone also. Therefore, it is argued that it cannot be believed that the depositors did give money to the applicant and for a long the money was not deposited in their accounts. It is also argued that no money was ever recovered from the applicant. She would also submit that false entry in the passbook could not have been made because the applicant is not a computer literate person.

6. On the other hand, learned State Counsel would submit that the Branch Manager has told it to the Investigating Officer that it is the applicant, who took money from various persons, but he did not deposit the money in the account and issued false receipts. He would refer to the statement of the Branch Manager, who is the informant-Arvind Chauhan, and other witnesses. Particularly, reference has been made to the statement of Mohdish, who has stated that he had given Rs. 4 Lakhs to the applicant for depositing in his account. The applicant had made a false entry also in the passbook.

Subsequently, when the money was not deposited, this witness questioned the applicant. The applicant gave him two cheques, which were to be drawn from an account, which was closed. This witness has given documents to the Investigating Officer. Reference has been made to the statements of various other witnesses that the applicant received money for depositing in their accounts, but he did deposit.

7. It is a stage of bail. Much of the discussion is not expected of. Arguments are being appreciated with the caveat that any observation made in this order shall have no bearing at any subsequent stage of the trial, or in any other proceeding.

8. It is not a case of misappropriation of money only, but it is a case of playing fraud with the financial institution. The allegations are that the applicant

took money from the depositors, issued false receipts or made false entry in their passbooks, but did not deposit the money in their respective accounts. Not only this, as stated, one of the witnesses has stated that the applicant gave him cheques also.

9. Having considered, this Court does not see any ground, which may entitle the applicant to bail. Accordingly, the bail application deserves to be rejected.

10. The bail application is rejected.