

# Ramkrishna Mishra vs The State Of Madhya Pradesh on 21 December, 2021

**Author: Rajeev Kumar Dubey**

**Bench: Rajeev Kumar Dubey**

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The High Court Of Madhya Pradesh

MCRC No. 55676 of 2021

(RAMKRISHNA MISHRA Vs THE STATE OF

Jabalpur, Dated : 21-12-2021

Shri Amit Dubey, counsel for the applicant

Shri Pradeep Gupta, Govt. Advocate for the

Shri Ajay Pratap Singh, counsel for the objector. Heard with the aid of case diary.

This is Second bail application filed under section 439 Cr.P.C.

Applicant Ramkrishna Mishra was arrested on 29/10/2015 in Crime No.12/2015 registered at Police Station Dhabaura, District Rewa for the offence punishable under Sections 409, 420, 467, 468, 120-B, 471, 34, of IPC.

The first bail application of the applicant has been dismissed as withdrawn by this Court vide order dated 22/1/2020 passed in M.Cr.C.No.45559/2019.

As per prosecution case, the Joint Registrar, Cooperative Societies through a newspaper got the knowledge about a fraud amounting to Rs. 11 Crores in District Cooperative Central Bank Rewa, Branch Dabhaura wherein huge amount of money was transferred to the accounts of various account holders from the Sundry account of the Bank. On that, inquiry was conducted by the bank officials. In the inquiry, it was found that total fraud which had taken place was to the tune of the Rs. 16,13,89,500/- and it was also found that applicant Ramkrishna Mishra and co-accused Arun Pratap Singh Branch Manager of District Cooperative Central Bank, Branch Dabhaura in connivance with other Bank officials and other co-accused persons, transferred the amount from the Sundry account of bank to the account of co-accused persons account and thus they embezzled the said amount.

Learned counsel for the applicant submits that applicant is innocent and has falsely been implicated in the offence. Though, it is alleged that the 2 MCRC-55676-2021 applicant withdraw an amount of Rs.16,13,89,500/- from the Sundry account of bank and transferred it to the account of the co-accused persons. But, it is alleged that the applicant embezzled only Rs.93,10,307/- from that amount and police has already seized Rs.51 lac from the possession of the applicant and the property worth Rs.75 lac. The applicant has been in custody since 29/10/2015 and conclusion of

trial will take time. He further submitted that co- accused Shrikrishna Mishra has already been granted bail by the Hon.Apex Court vide order dated 5/10/2021 passed in Cr.Appeal No.1163/2021. So, the applicant is also entitled to get bail on the basis of parity.

Learned counsel for the State as well as objector opposed the prayer and submitted that the case of the applicant is not similar to the case of co- accused Shrikrishna Mishra, who has been granted bail by the Hon. Apex Court. Applicant is the main accused of the case and the allegation against the applicant is that the applicant, who was posted as the Branch Manager of District Cooperative Central Bank, Branch Dabhaura withdrawn an amount of Rs.16,13,89,500/- from the Sundry account of bank and transferred it in the account of other co-accused persons, so he is not entitled to get bail on the basis of parity.

The case of the applicant is not similar to the case of co-accused Shrikrishna, who has been granted bail by the Hon. Apex Court. Only allegation against co-accused Shrikrishna is that the applicant transferred some amount in account of co-accused Shrikrishna Mishra thereafter, that amount was transferred in the accounts of the other co-accused persons, while allegation against the applicant is that the applicant, who was the Branch Manager of District Cooperative Central Bank, Branch Dabhaura himself withdraw Rs.16,13,89,500/- from the sundry account of the bank and transferred it in the account of co-accused persons and embezzled that amount. The applicant is the one of the main accused of the case, so the applicant is not entitled to get bail on the basis of parity.

It is alleged that the applicant Ramkrishna Mishra, who was the Branch 3 MCRC-55676-2021 Manager of District Cooperative Central Bank, Branch Dabhaura withdraw an amount of Rs.16,13,89,500/- from the Sundry account of bank and transferred it to the account of the other co-accused persons and embezzled that amount. So, looking to the facts and circumstances of the case, the enormity of fraud and the role of the applicant in the crime, this Court is not inclined to grant bail to the applicant.

Hence, the application is rejected.

However, it appears from the record that the appellant has been in custody since 29/10/2015 and the trial is still pending, therefore, it is expected from the trial Court to dispose of the case as early as possible.

A copy of this order be sent to the concerned court for information and necessary compliance.

(RAJEEV KUMAR DUBEY) JUDGE m/-