

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 703 of 2015

H. K. Choudhari S/o H.L.Choudhari Aged About 35 years Occupation- Service, Cashier, Bhartiya State Bank, Jaijaipur Branch, Police Station- Jaijaipur, Civil And Revenue District- Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: The Station House Officer, Police Station- Jaijaipur, District Janjgir-Champa, Chhattisgarh

---- Respondent

Shri Kamlesh Kumar Pandey, counsel for the applicant/s.
Shri R.K.Gupta, Dy.A.G. for the State.

Order On Board

07/08/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.82/05 registered at police station – Jaijaipur, Distt.- Janjgir – Champa, CG for alleged commission of offence under Section 420, 467, 468 of IPC.

2. Case of the prosecution is that the applicant and other accused persons fraudulently withdrew an amount of Rs.1,10,000/- from the account of the complainant – Tirith Bai, who is the Account Holder in the State Bank of India, Branch at Jaijaipur.

3. Learned counsel for the applicant submits that there is no material to show involvement of the applicant in the alleged offence. It is submitted that when on receiving complaint, it was revealed to the bank authorities that some kind of fraud has been played and amount has been withdrawn, the matter was reported to the police by giving complaint in the zonal office by Santosh Kumar Nande and then FIR was registered in the police station. It is submitted that as far as applicant is concerned, he only discharged his duty by clearing the amount after due verification. Lastly, it is submitted that the other co-accused – Kiran Kumar who withdrew the amount, has later on deposited the amount in the same account and he has been

granted bail as observed by this Court on 25/07/11 in MCrC (A) No.469/11.

4. On the other hand, learned State counsel submits that the amount was withdrawn from the account of Tirith Bai and at that time, the applicant was posted as Cashier. Therefore, he definitely has some role in process of withdrawal of the amount. Therefore, it cannot be said that the applicant is falsely implicated.

5. Taking into consideration the totality of the circumstances, the fact that the applicant is not the recipient of the benefit and that the amount which was withdrawn by the co-accused has already been deposited in the account of the complainant – Tirith Bai and that Kiran Kumar, the co-accused has already been enlarged on bail, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

(i) the applicant shall make himself available for interrogation by the police officer as and when required;

(ii) the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge