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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1126 of 2015

Ramesh Kumar Sannala, son of Late S.C. Rao, aged about 60 years, House No.14, Devika Vihar, Rajkishore Nagar, P.S. Sarkanda, Tahsil & District Bilaspur (Chhattisgarh) **--- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police station Chakarbhata, District Bilaspur, Chhattisgarh **--- Respondent**

MCRC(A) No. 1136 of 2015

Raghunath Hasda, son of Kushnu Hasda, aged 50 years, Chief Manager, State Bank of India, Rly. Colony Branch, P.S. Torwa, Tahsil & District Bilaspur (Chhattisgarh) **--- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police station Chakarbhata, District Bilaspur, Chhattisgarh **--- Respondent**

For the applicants : Mr. Prateek Sinha, Advocate.

For the Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.11.2015

1. Apprehending arrest in connection with Crime No.329 of 2015/2015 registered at Police Station Chakarbhata, Distt. Bilaspur Chhattisgarh for the offences punishable under Sections 409 read with section 34 of IPC, the applicants have filed these applications under Section 438 Cr.P.C.
2. As per the prosecution case, the complainant Neetu Shrivastava, who is widow of late Pankaj Shrivastava, lodged a report that without her consent an amount of Rs.1,55,000/- was recovered from her Bank Account towards adjustment of car loan of her late husband under the Right of Set Off and the applicant Ramesh Kumar Sannala, the then Branch Manager of S.B.I (now retired) has illegally

transferred the amount to the loan of late Pankaj Shrivastava which was maintained at Railway Colony, State Bank of India.

3. Learned counsel for the applicants submits that the husband of complainant namely Pankaj Shrivastava had availed loan from S.B.I., Raiway Branch and according to the norms, in order to secure the repayment of loan, the loan was insured with SBI Life and after death of Pankaj Shrivastava, the insurance company has issued cheque in lieu of loan of Rs.1,55,000/- and Pankaj Shrivastava being dead, the Checque was issued in the name of his nominee i.e., the complainant, It is submitted that thereafter, the said Cheque was deposited by the complainant in her personal account at S.B.I. High Court Branch, subsequently, notices were issued to clear the amount of loan since the insurance amount was paid in lieu of insurance of loan and ultimately the Bank under right to set off has adjusted the entire amount of car loan from the personal account of complainant. Learned counsel for the applicant therefore submits that no offence has been committed.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.

5. I have gone through the case diary and the statements. A perusal of the documents would go to show that a car loan facility was availed by late Pankaj Shrivastava and since the loan was already insured, after death of borrower, a cheque for Rs.1,80,000/- was issued in the name of wife being the nominee in lieu of insurance of the loan availed from the S.B.I., Railway Branch, Bilaspur and necessary amount was transferred from the account of complainant towards adjustment of loan.

6. Taking into consideration the totality of the facts and circumstances and after perusal of the documents of the case diary, I am inclined to release the applicants on anticipatory bail.

7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid

offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-

(i) that they shall make themselves available for interrogation before the investigating officer as and when required;

(ii) that they 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/her from disclosing such facts to the Court or any police officer;

(iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iv) that they shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

GOUTAM BHADURI
JUDGE

Rao