

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 945 of 2015

Sabara Aalam W/o Mohd. Shahid Aalam Aged About 60 Years R/o Central Hospital Road, Aamakherawa, Manendragarh, Police Station - Manendragarh, Distt. - Korea Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - The Station House Officer, Police Station - Khadganwa, Distt. Korea Chhattisgarh

---- Respondent

For Applicant	:	Shri Manoj Paranjpe, Advocate.
For Respondent/State	:	Shri Satish Gupta, Government Advocate.

Order On Board

29/09/2015

Heard.

1. The applicant is apprehending her arrest in connection with Crime No.132/2015 registered at Police Station- Khadganwa, District Korea (C.G.) for alleged commission of offence under Section 409, 420, 467, 468, 471 of IPC.
2. Prosecution case is that an amount of Rs.77,840/- was withdrawn from the Bank account of agriculturist. The amount was withdrawn by the manager of society, who is the co-accused. The allegation against the applicant is that while applicant was posted as Branch Manager, the applicant cleared the payment on the basis of the authority letter, which was a forged document.
3. Learned counsel for the applicant submits that in so far as the applicant is concerned, the applicant only bonafide discharged her duty as when the withdrawal form signed by the agriculturist along with the authority letter was submitted by the manager of society, who is regularly dealing with the Bank, she had no occasion to doubt the bonafide of the transaction. It is also submitted that later on, the complainant, himself, has not remained firm on his

complaint but he has sought to withdraw his complaint stating that he has received entire amount, which shows that the main dispute is between the manager of the society and the complainant with regard to payment of amount to him and not the withdrawal part.

4. On the other hand, learned counsel for the State opposes prayer and submits that the applicant is the Branch Manager who was required to apply due, caution and care before clearing the payment on the basis of authority letter. This having not been done, the applicant is also prima facie involved.

5. Considering the submission of learned counsel for the parties, particularly the role alleged to be played by the applicant and that the withdrawal form, which was submitted before the Bank was submitted along with the authority letter submitted by the responsible person i.e. manager of the cooperative society on which basis, the applicant cleared payment, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make herself available for interrogation by a Police Officer as and when required;
- (ii) that she 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 her from disclosing such facts to the Court or to any Police Officer.
- (iii) that she shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava

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