

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1012 of 2015

Suraj Prakash Kannaujiya, aged about 48 years, son of late Shri Mewa RamKannaujiya, the then field officer, Bhartiya State Bank, Branch Dongargaon, Civil Revenue District Rajnandgaon (C.G), permanent resident of Sandhu Marriage Garden, Central Academic School Road, Adityapuram, Gwalior (M.P).

--- Applicant

Versus

State of Chhattisgarh through the District Magistrate, Rajnandgaon

--- Respondent

For the applicant	:	Mr. P.K.C. Tiwari Sr. Advocate with Mr. Shashi Bhushan Tiwari, Advocate
For the Respondent	:	Mr. Ramakant Mishra, Dy. Advocate General

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.10.2015

1. Apprehending arrest in connection with Crime No.272 of 2014 registered at Police Station Dongargaon, District Rajnandgaon (C.G) for the offences punishable under Sections 420/34 of IPC, the applicant has filed this application under Section 438 Cr.P.C., for grant of anticipatory bail.
2. As per the prosecution case, while the petitioner was working as Field Officer in State Bank of India, Branch at Dongargaon a loan was sanctioned to one Roop Singh son of Jeetar Nai which was examined and verified by the State Bank of India and thereafter when the notice was sent to Roop Singh, son of Jeetar Nai for repayment of loan, he made a report to the Police that he has not availed any loan but notices for recovery of loan are being served on him. Thereafter, on such report, the investigation is being carried out.
3. Learned counsel for the applicant submits that no report is made by the employer Bank and it is only on the basis of report filed by Roop

Singh, son of Jeetar Nai, the investigation is being carried out and the applicant is to be apprehended. Learned counsel for the applicant further submits that actually the loan was sanctioned to Roop Singh son of Bhikham Nai and inadvertently, the notice was issued to Roop Singh, son of Jeetar Nai, therefore, the confusion has arisen. He further submits that since Bank has not field any complaint about the fraud, therefore, on the basis of service of notice to recover the loan, it cannot be said that that the applicant has committed fraud or forgery in sanctioning the loan. He further submits that the applicant has processed the loan in discharge of duty after duly verifying the relevant documents which bear the photos of Roop Singh son of Bhikam Nai. He therefore prays for releasing the applicant on anticipatory bail.

4. Learned state counsel opposes the same. He submits that no person of Roop Singh son of Bhikham is present in the village as per the primary investigation.
5. I have perused the case diary which contains the statement of Roop Singh son of Jeetar Nai who made complaint as also the seized documents of the Bank alongwith the application for the agricultural credit which bears the photograph of Roop Singh son of Bhikham. Regarding identity of the borrower, the identity card issued by the Election Commission is also also attached which bears the photograph of Roop Singh, son of Bhikham.
6. Having thus considered the facts of this case, it seems that notice for recovery of loan was served on Roop Singh, son of Jeetar Nai upon which a report was made and the matter is being investigated.
7. Taking into the totality of the facts and circumstances and after perusing the the documents filed alongwith the case diary, I am inclined to release the applicant on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed and 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 officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he 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.

Sd/-
GOUTAM BHADURI
JUDGE