

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 391 of 2016

1. Pankaj Sinha, S/o. Shri Vasuki Prasad Sinha, aged about 38 years, R/o. Indira Nagar, Charoda, Police Station – Bhilai-3, Tahsil Bhilai-3, District- Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Kumhari, District-Durg (C.G.)

---- Respondent

For Applicant	: Ms. Fouzia Mirza, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/05/2016

1. Apprehending arrest in connection with Crime No.210/2015 registered at Police Station- Kumhari, District – Durg (C.G.), for offence punishable under Section 420, 467, 468, 471 & 409 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicant was working as Assistant Account Officer in the institute of Rawatpura Sarkar Institute College from 13.09.2005 and during such tenure he had received certain amount from the student by fabricating forged receipts and the same was subsequently came to the notice when the students complained about the same and on verification it was found that amount of receipts which the students were holding, the said amount was not deposited in the institute and the receipts which were given to the students were also forged. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant was working from 13.09.2015 to till 08.02.2015. He was assigned with the job to procure the loan at Jagdalpur for 107 students, however, the same could not be done as the management was unhappy, consequently, he was forced to resign. The counsel further submits that before resignation, the entire accounts were verified and on 07.04.2014, an agreement (Annexure A/4) was executed, wherein, it was admitted by the complainant that the applicant do not owe any further sum to the institute. It is further submitted that agreement would show that amount of Rs.10.00 lakhs was settled and had there been any false receipt of 2013, the students could not have been allowed to appear in the subsequent examination, therefore, submits that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, the State counsel opposes the prayer for grant of anticipatory bail and would submit that applicant had made forged receipt, which was given to the students, which was subsequently came to the notice after the agreement was executed, therefore, the applicant may not be released on anticipatory bail.
5. Perused the documents and the case diary. The FIR was made alleging that the applicant has issued forged receipt of Sr.No.1466 and 1468, wherein the applicant received Rs.30,000/-, whereas according to the record, of the institute, only Rs.650/- was deposited.
6. The State Government was directed to verify the agreement dated 07.04.2015. On verification, report is received with the statement that such agreement was executed in between the complainant and the applicant. The agreement shows after 07.04.2015 no amount shows to be due as against the applicant as Rs.10.00 lakhs was

settled which was due against the applicant. Considering the facts involved in this case and taking into the averments of the agreement dated 07.04.2015 (Annexure A/4), which is not in dispute, I am inclined to extend benefit of anticipatory bail to the applicant as the custodial interrogation of the applicant may not be required in this case.

7. 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 concerned Investigating Officer. The applicant shall also abide by the following conditions :

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

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge