

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 627 /2016

Suresh Pandey, S/o. Sanat Kumar Pandey, Aged About 49 Years, R/o. Village - Kuthur, Police Station - Pamgarh, Civil & Revenue District - Janjgir – Chamapa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through - District Magistrate / Station House Officer, Police Station - Janjgir, District - Janjgir – Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate.
For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/08/2016

1. Apprehending arrest in connection with Crime No.216/2016 registered at Police Station- Janjgir, District Janjgir-Champa (C.G.) for the offence punishable under Section 420, 467, 468, 471, 34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, in the year 2013 one Jay Kumar Tiwari obtained loan from the Chhattisgarh Gramin Bank of Rs.98,000/- & 80,000/- by manipulating the area of the land holding by making 0.37 Acre as 3.37 Acre and the applicant who was working as an Agent of the Bank has facilitated Jay Kumar Tiwari to commit such crime.
3. Learned counsel for the applicant would submit that no allegation have been attributed to this applicant and the applicant has not committed any offence, as he believed the document which was placed by the loanee and the entire loan has been repaid and the offence is alleged to be of 2013, therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the statement and the documents. Considering the fact that the main allegation has been attributed to Jay Kumar Tiwari, taking into the nature of transaction and also the fact that the loan has been repaid and further considering the role played by this applicant, I am inclined to release the applicant on anticipatory bail.
6. 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 furnishing a personal bond to a 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