

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 366 of 2016

1. Netram Pal, S/o. Motiram Pal, aged about 75 years, R/o. Village & Post – Temri, Police Station – Nandghat, Civil and Revenue District- Bemetara (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Dharmesh Shrivastava, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/05/2016

1. Apprehending arrest in connection with Crime No.82/2016 registered at Police Station- Nandghat, District – Bemetara (C.G.), for offence punishable under Section 409, 420/34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by the branch manager of State Bank of India, Temri Branch against earlier branch manager that certain amount for crop insurance, which came to the branch, the former branch manager, Buddhi Prakash Bangade transferred it to the different account holder and thereafter withdrew the same on the basis of withdrawal form signed by the account holder and benefited himself to the extent of Rs.18,59,741/-.
3. Learned counsel for the applicant would submit that the present applicant is aged about 75 years of old and illiterate person and in his account the amount was deposited by the former branch

manager. He further submits that one time some signatures were obtained by the former branch manager on the pretext of Kisan Credit Card at that time signatures on the withdrawal form were got signed and the amount were withdrawn. He further submits that two sons of the present applicant were working in the branch as temporary worker, therefore, even if the some signatures were obtained, it must have been given under the faith and considering the age of the applicant, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra learned State counsel opposes the application for grant of anticipatory bail and would submit that report was made by the branch manager against the former branch manager of the said bank that certain amount which was deposited for the crop insurance were distributed in the account and the applicant alongwith the branch manager withdrew the amount, thereby the offence is committed.
5. Perused the case diary, the documents and the FIR. In the FIR it is stated that earlier branch manager distributed different amount of the crop insurance in the account holder of the branch and subsequently withdrew it. One withdrawal form by Netram is on record and the signature was appeared to be verified by the former branch manager, Buddhi Prakash Bangad. The case diary also contains the statement of Buddhi Prakash Bangad. Considering the nature of the offence, since the entire allegations are attributed to the former branch manager and taking in to the fact the age of the applicant as he is aged about 75 years old and the facts of this case, I am inclined to extend benefit of anticipatory bail to the applicant.
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 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