

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2247 of 2016

1. Vachan Ram Shandilya, S/o. Sonsai Shandilya, aged about 52 years, R/o. Bharkadand, Police Station Rajpur, District-Surguja (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Jainagar, District – Surajpur (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Rahul Tamaskar, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.248/2015, registered at Police Station – Jainagar, District – Surajpur (C.G.) for the offence punishable under Section 419, 420, 467, 468, 120-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that an account was opened in the name of Piya, who was dead. The account was opened by one Sudama Shrivastava and Akash Shandilya by forged voter ID and ration card, thereafter certain amounts were withdrawn. The account was opened in Zila Sahkari Bank, with the help of applicant as the applicant was working as clerk in the said bank. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that it is impossible to assert if the voter ID and ration card is placed, the clerk of the bank would come to know that it is forged and he was under bounden duty to open the account since the account holder was identified, therefore, no offence has been committed. He further submits that the applicant is in jail since 02.01.2016 and the charge-sheet in this case has been filed, therefore, he prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the statements. Considering the statement of the Gyanchand and the fact that the applicant is working as clerk in Zila Sahkari Bank, further taking into the facts and circumstances of the case, considering the pretrial detention and charge-sheet in this case has been filed, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge