

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 675 of 2016

- Mathura Prasad Kaiwart S/o Shivprasad Kaiwart Aged About 61 Years Caste - Kenwat, Retired - Branch Manager, Chhattisgarh State Gramin Bank, Resident of Ruchika Vihar, House No. 10, Sirgiti, Bilaspur, District - Bilaspur Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station - Bagicha, District - Jashpur Chhattisgarh ---- **Respondent**

For the applicant	:	Mr. J. K. Saxena, Advocate.
For the Respondent	:	Mr. Neeraj Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.08.2016

1. Apprehending arrest in connection with Crime No. 21 of 2016 registered at Police Station Bagicha, Distt. Jashpur (C.G) for the offences punishable under section 420, 467, 468 & 471 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the applicant was working as Branch Manager in the Chhattisgarh Gramin Bank. A report was made by one Tiaso Bai that she is President of Ganesh Swa-Sahyata Samooh and one Devbantin and Shanti Bai on the basis of forged resolution dated 10.12.2013 have withdrawn an amount of Rs.4,85,000/- on 10.01.2014 and the applicant in connivance with the co-accused has facilitated such withdrawal.
3. Learned counsel for the applicant would submit that the

applicant while working as Branch Manager, a resolution was placed before him alongwith permission of the SDO whereby Devantin Bai and Shanti Bai were allowed to operate the account and on the basis of such resolution and permission of the SDO, the amount of Rs.4,85,000/- was allowed to be withdrawn, thereby the applicant has discharged the job of banker and has not committed any offence. It is, therefore, prayed that the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that the account was on hold and therefore the applicant could not have allowed the co-accused to withdraw the amount.
5. Perused the case diary. No document is on record in the case diary to show that the account was on hold.
6. Also Perused the resolution dated 10.12.2013 and also the permission granted by the SDO, Bagicha permitting the operation of account.
7. Taking into role and position of the applicant that he was discharging the job of Branch Manager, I am inclined to allow this Bail Application.
8. Accordingly, the 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 his 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**

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