

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4041 of 2016

Krishna Kumar, S/o. Narayan Chatre, Aged About 40 Years, R/o. Gunjera,
P.S. Nandghat, Distt. Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station
Nandghat, Distt. Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.D.Guru, Advocate

For Respondent : Mr. O.P.Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.82/2016 registered at Police Station Nandghat, District Bemetara (C.G.) for the offence punishable under Sections 409, 420, 467, 468 & 471 read with Section 34 of the Indian Penal Code and Section 66 (B) of the I.T. Act.
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 applicant has not committed any crime and he was not the beneficiary. The

applicant is an illiterate person and on his account, the amount was deposited by the former Branch Manager and it was withdrawn. It is submitted that at the time of opening of the account, some signature was obtained by the former Branch Manager on the pretext of Kisan Credit Card and on the basis of signature on the withdrawal form the amount was withdrawn. He further submits that under the facts of this case, the other co-accused has been enlarged on anticipatory bail by this Court on 03.05.2016 in M.Cr.C. (A). No.366 of 2016; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and FIR. Perusal of the case diary and the FIR would show that the earlier Branch Manager distributed different amount of the crop insurance in the account holder of the Branch and subsequently withdrew it. One withdrawal form is on record and it appears to be verified by the former Branch Manager Buddhi Prakash Bangad. Considering the nature of offence and the role of the applicant and further taking into fact that the charge sheet has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge