

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 726 of 2016

Manohar Lal Sen, S/o Chhavilal Sen, Aged About 52 Years, R/o Village Topa, Police Station Bhatapara Gramin, District Balauda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station House Officer, Police Station Bhatapara Gramin, District Balauda Bazar Bhatapara, Chhattisgarh.

---- Respondent

And

MCRCA No. 740 of 2016

Smt. Rameshwari Verma W/o Shri Rajesh Singh Prahlad, Aged About 38 Years, R/o Village Arjuni, Police Station Bhatapara (Gramin), District Baloda Bazar - Bhatapara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Bhatapara (Gramin), District Baloda Bazar - Bhatapara Chhattisgarh.

---- Respondent

For applicants –Shri Ashish Gupta and Shri Anil Gulati, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A. and Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

12/08/2016

1. Both these bail applications are decided by this common order as they are arising out of the same crime number.
2. These applications under Section 438 of Cr.P.C. have been filed by the applicants apprehending their arrest in connection with Crime No. 173/2016 registered at Police Station Bhatapara Gramin, District Baloda Bazar-Bhatapara (C.G.) for offence punishable under Section 420/34 of I.P.C.
3. As per the prosecution case, one Pradeep Verma personified himself to be Jagganath Dhruv and opened account in the Bank of Baroda and thereafter Cooperative Society purchased paddy 277.60 quintal for

Rs.3,91,416/- and cheque was prepared in the name of Jagganath Dhruv and it was collected by Pradeep Verma who personified himself in the name of Jagganath Dhruv. Applicant Manohar Lal Sen was President of Cooperative Society, Arjuni and applicant Rameshwari Verma was Assistant Clerk who used to prepare cheque in connivance with. Thereby, offence has been committed.

4. Learned counsel for the applicants submits that infact personification has been made by Pradeep Verma and since account was already opened, therefore there was no occasion for the applicant to enquire about identity of Jagganath Dhruv and cheque was prepared in the name of Jagganath Dhruv in whose name paddy was purchased and it was not possible to virtually identify each and every person in such a manner, therefore no criminality can be attached, therefore applicants may be granted benefit of anticipatory bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the case diary and the documents. Considering the nature of allegations and nature of job applicants were discharging, I am inclined to extend benefit of anticipatory bail to the applicants.

7. Accordingly, the anticipatory bail applications are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE