

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 923 of 2016**

- Gulab Prasad Sharma S/o Late Sudharam Sharma Aged About 59 Years R/o- A 109 Maitrinager, Sundernagar, District Raipur Chhattisgarh.

---- **Petitioner****Versus**

- State Of Chhattisgarh Through S.H.O. Police Station Dadhi, District-Bemetara Chhattisgarh.

---- **Respondent**

 For Applicant : Mr. Vivek Sharma, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****25-11-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 48 of 2013 registered at Police Station Dadhi, District Bemetara (CG) for offence punishable under Sections 420, 471, 467, 468, 120-B/34 /34 of IPC.
2. Case of the prosecution, in brief, is that the applicant was working as a Branch Manager of Branch Dadhi at Durg Gramin Bank, Bemetara. In the period between 2011 and 2013, the applicant sanctioned loan to about 200 – 215 persons and out of that 33 persons had submitted forged documents on the basis of which loan was sanctioned by the present applicant and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant had sanctioned loan to several persons and before grant

of loan to them, the required documents and necessary formalities along with verification of the land records of the borrowers had been verified by the Empaneled Advocate of the concerned bank and a search report was submitted by the Empaneled Advocate on the basis of which loan was sanctioned by the present applicant. It was in connivance with other co-accused persons, therefore, the applicant has been falsely implicated. Therefore, considering all the facts and circumstances of the case, the applicant may be extended the benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary and documents annexed to the bail petition which shows that search report of Empaneled Advocate has been enclosed in respect of the property papers.
7. Perusal of the case diary would show that the loan was sanctioned on the basis of search report and it appears that taking into nature of allegations, custodial interrogation may not be required.
8. Considering the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the case diary, I am inclined to extend benefit of anticipatory bail to the applicant.
9. 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, she shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one local 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) 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

Raju