

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 947 of 2016**

1. Rohit Shankar Sinha, S/o. Shri Vinay Shankar Sinha, aged about 42 years, R/o. Shankar Nagar, Raipur, District – Raipur (C.G.)/Branch Manager, State Bank of India, presently posted at SME Branch, Durg (C.G.)

----Applicant**Versus**

1. State of Chhattisgarh, Through : Police Station – Kanker, District – Kanker (C.G.)

---- Respondent

For Applicant : Mr. Abhisek Sinha, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****21/10/2016**

1. Apprehending arrest in connection with Crime No.235/2016 registered at Police Station- Kanker, District – Kanker (C.G.), for offence punishable under Section 420, 467, 468, 471, 120-B, 34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, in the year 2010, a loan was obtained by Dasru and Kunwar Singh Netam but actually one Mahesh Shori personified himself as Kunwar Singh Netam and the agricultural loan was obtained from State Bank of India. Subsequently, the loan was not repaid and after six years recall notice was given then it was revealed that some one has personified Kunwar Singh Netam and obtained a loan and the applicant being the Branch Manager committed the offence.
3. Learned counsel for the applicant would submit that the applicant being the Branch Manager, he was not the beneficiary and Kunwar

Singh Netam and Dasru were identified by him and after going through the document he has sanctioned the loan and he has not committed any offence. Therefore, the counsel prays that the applicant may be extended the benefit of Section 438 of Cr.P.C.

4. Per contra, learned counsel for the State opposes the application for grant of bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary and the documents. Considering the role attributed to this applicant prima-facie it appears that the applicant was not the beneficiary and loan was granted to Dasru and Kunwar Singh Netam, which was transferred in the account. Taking into the role played and the gravity of the offence and the allegation levelled against the applicant, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
7. 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, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one 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) that 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