

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 640 of 2017**

Pankaj Chourey, S/o. Late Shri R. N. Chourey, Aged About 37 Years, R/o. Floor No. 2/A, Village - Dhanora, Durg, District -Durg (Chhattisgarh).

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station - Purani Bhilai, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Manish Sharma, Advocate
For Respondent/State	: Mr. Neeraj Jain, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**14/11/2017**

1. Apprehending arrest in connection with Crime No.440/2016, registered at Police Station- Purani Bhilai, District – Durg (C.G.), for offence punishable under Section 420, 467, 468, 471 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that applicant is Credit Manager in Aadhar Housing Finance Pvt. Ltd.. The complainant – Laxmi Bai Satyarthi has lodged FIR against her son that he by force obtained the papers of the property in the name of the complainant and has used the same for obtaining loan. It was stated in the complaint that complainant had never filed any application before the bank authorities and neither has executed any of the documents before the bank for sanction of the loan. It is submitted that the applicant has not benefited in any manner from the said transaction, as the loan was received by the main accused

in this case from the finance company. Hence, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that as per the norms of financing company, the presence of borrower before the finance company for execution of documents for loan is necessity. It is though not admitted by the authorities of the finance company but the complainant has given statement that she has never presented herself before the finance company for execution of loan documents, hence, the involvement of the applicant the Credit Manager in the said institution is clear, for this reason, the applicant is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. Applicant had been working as Credit Manager in the Finance Company at the time of incident and had a role in sanctioning the loan in this case. As per the case diary, it has not been admitted by the bank authorities that borrower has not appeared before the bank in person and the documents for loan were not signed by the borrower herself. The thumb impression and the sample of handwriting and the questioned document has been sent to be examined by the finger print expert and handwriting expert but the report is not yet received.
6. Considering on the submissions made and the contents of the case diary looking to the fact that applicant is employed as credit manager in the bank and there is no evidence to show that he has received any benefit out of this transaction while performing his duties as Credit Manager for the finance institution. The case has

been investigated and charge-sheet has been filed. Considering the over all circumstances of the case, this Court is inclined to extend the benefit of anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed. 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge