

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 71 of 2017**

Netram Shriwas S/o Ghoghoram, aged about 65 years, Caste- Nai, R/o Village- Jaijaipur, Police Station & Tahsil- Jaijaipur, District- Janjgir-Champa, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through- Station House Officer, Police Station Jaijaipur, District- Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate
For Respondent/State	:	Shri B. Gopa Kumar, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18/05/2017**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 199/2016 registered at P.S. Jaijaipur, District Janjgir-Champa (CG) for the offence punishable under Sections 420, 409, 467, 468, 471, 34 of IPC.

2. The case, as per the prosecution, against the present applicant is that he and the other accused persons are said to have connived together and permitted to co-accused Shrilal to be incorporated as a joint account holder in the account which originally stood in the name of Firtu Ram. It is said that the said Firtu Ram had already gone missing and that his whereabouts is not known. It is further alleged that co-accused Shrilal in the capacity of joint account holder started operating the account which stood originally in the name of Firtu Ram with regular deposits and withdrawals made in the said account.

3. Counsel for the applicant submits that so far as the present applicant is concerned, he was not posted at the Bank at the relevant point of time which is an admitted position. He submits that the only allegation against the present applicant is that while he was posted in the Bank as a In-charge Manager for a

brief period, there has been certain withdrawals made from the account by co-accused Shrilal in the capacity of a joint account holder. He submits that the applicant is not responsible for adding the name of co-accused Shrilal as a joint account holder nor was he in any manner connected with the said person except for the fact that during his tenure as a In-charge Manager, there has been certain withdrawals. He further submits that earlier to him, three other persons were also posted as a Manager from the time the co-accused Shrilal was made as a joint account holder.

4. In the given facts and circumstances of the case, this Court is of the opinion that prima facie a strong case for grant of anticipatory bail has been made out.

5. In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest of the present applicant in connection with the aforesaid offence, he 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 Officer arresting him or the Court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation before the concerned 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.

Sd/-
(P. Sam Koshy)
Judge