NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 136 of 2017

Sitaram Sahu S/o Topram Sahu Aged About 58 Years R/o Opposite Income Tax Office Near Shiromani General Store Bhartiya Nagar Bilaspur, Police Station Civil Line Bilaspur, Revenue & Civil District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate, Bilaspur, Police Station Koni, District Bilaspur, Chhattisgarh.

---- Respondent

For applicant	Mr. P.K. Tulsiyan, Adv.
For Respondent/State	Mr. Ashish Shukla, GA.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

20/04/2017

1. Heard finally.
2. The applicant has preferred this application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 37/2016 registered in PS Koni Distt. Bilaspur for offence punishable under Section 406, 408, 409, 120-B of the IPC.
3. Learned counsel for the applicant submits that offence has been registered against the applicant for embezzlement and other penal act for Rs. 61 lacs during the year 2014-15. After special audit report and other formalities, police has registered said matter and after investigation filed charge sheet against one Baldev Prasad Dhivar, before the concerned criminal court showing present applicant and other co-accused absconding and submitted that the police shall file supplementary charge sheet under Section 173 sub-section (8) of the Cr.P.C. against the absconding co-accused including the present applicant after due investigation. It is submitted that the applicant is Branch Manager, Central Cooperative Bank, Sarkanda branch.

Semartal cooperative society was having an account in his bank. He was posted in the said bank till December, 2015. It was the duty of the applicant as a branch manager to verify the signature of the account holder in the cheque, availability of funds and if the cheque issuing authority has signed in the cheque, to clear the cheque and give the money as per said cheque to the concerned. Earlier when the cheques were placed for clearance, the cooperative bank used to ask for the proposal of the concerned society regarding the cheque amount. Thereafter on 9-7-2013, the Registrar, Cooperative Society denied to ask for the proposal of the society regarding cheque amount. Thereafter the applicant stopped asking for said proposal of the society before clearance of the cheque. As submitted the society is one of the client of the said branch. If cheque is issued required the applicant honour the cheque by disbursement. Embezzlement happened at the Semertal society. The applicant is neither office bearer nor anything in the said society. The applicant is in no way connected with the offence. He will not commit any offence in future, shall act as per directions. He may be granted anticipatory bail in the even of arrest.

4. Per contra, learned counsel for the State opposes the bail application and categorically submits that there is nothing on the memorandum dated 9-7-2013 issued by the Cooperative Societies Bilaspur to stop verifying the proposal of the society regarding issuance of cheque. Learned State counsel submits that the applicant till he was posted as manager not verified that the amount taken by the Manager of the society is being disbursed to the concerned or not. Not verifying the above shows involvement of applicant in the embezzlement of Rs. 54 lacs committed by other accused persons in the matter. Looking to the amount involved, MCRCA may be dismissed.

5. Perused the entire material.

6. On due consideration of the evidence collected till date and as there is no directions of the Registrar not to call for proposal of the society by the cooperative bank and as the applicant failed in his duty by not verifying the disbursement of the amount to the concerned, I am not inclined to grant anticipatory bail to the applicant.

7. Consequently, instant MCRCA is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak