

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 261 OF 2017

Tapan Kumar Sil, S/o Shri D.R. Sil, aged about 61 years (wrongly written in order sheet as 44 years), R/o behind Vidyaniketan School, House No. P-5, Raipur, Tahsil & District Raipur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station-Nawai, District Durg (C.G.)

... Non-applicant

For Applicant	:	Mr. Tarun Dansena, Advocate.
For Non-applicant/State	:	Mr. Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicant who is apprehending his arrest in connection with Crime No. 3332504710039 of 2017, registered at Police Station- Nawai, District- Durg, for the offence punishable under Section 420/34 of IPC.
2. The present case as far as the Applicant is concerned is that the Applicant is said to have while discharging duties as a Bank Manager of Canara Bank at the relevant point of time did not disclose material facts to the Complainant Vishnu Pathak and in the process, the Complainant Vishnu Pathak became a partner of firm which had huge amount of term loan in the Canara Bank. According to the Complainant, if the Bank Manager would have informed the Complainant in respect of the old term loan pending against the firm, the Complainant would not have become a partner in the said firm. Apart from the said allegation, there is no such allegation levelled against the present Applicant of having committed any fraud or misappropriation or misuse of funds.

3. The allegations levelled against the Applicant seem to be only not disclosing certain material facts which were in the knowledge of the Applicant. One cannot brush aside the fact that it was not the responsibility of the Bank Manager to have informed the Complainant Vishnu Pathak in respect of the contents of the partnership deed which Vishnu Pathak has entered into along with Lalji Prasad and Anurag Chandra. It was more the responsibility of the partners, Lalji Prasad and Anurag Chandra, to have informed and disclose the complete facts to the Complainant.

4. Taking into consideration the nature of allegations and the contents of the case diary, also taking note of the fact that the present Applicant has since retired after attaining the age of superannuation, this Court is of the opinion that a prima face strong case for grant of anticipatory bail is made out.

5. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicant in connection with Crime No. 3332504710039 of 2017, registered at Police Station- Nawai, District- Durg, for the offence punishable under Section 420/34 of IPC, if he furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then he shall be released on bail on the following further 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.

/sharad/

Sd/-
(P. Sam Koshy)
Judge