NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case (A) No.1071 of 2016

B. Anand Rao, S/o Shri B. Bapuji, aged about 41 years, Assistant Vice President & Branch Head, Axis Bank Limited, R/o Tehsil Raigarh, District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the District Magistrate, District Korba (C.G.)

---- Non-applicant

For Applicant:	Mr. Kishore Bhaduri and Mr. Pawan Kesharwani, Advocates.
For Non-applicant:	Mr. Gary Mukhopadhyay, Deputy Govt. Adv.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/01/2017

1. Apprehending arrest in connection with Crime No.6/2016, registered at SC/ST Police Station, Korba, Distt. Korba, for the offences punishable under Sections 420, 120B, 409, 467, 471 read with Section 34 of the IPC; Sections 3(1)(iv) and 3(1)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicant has filed this application under Section 438 of the CrPC for grant of anticipatory bail.

2. Case of the prosecution, in brief, is that present applicant B. Anand Rao being the officer of Axis Bank facilitated the opening of account by one Deepak Agrawal in the name of M/s. Lakshminarayan Enterprises being Current Account No.914020028686659 and allowed Deepak Agrawal to operate it and thereby committed the aforesaid offences.

3. Learned counsel for the applicant would submit that complainant M/s. Lakshminarayan Enterprises itself has authorized Deepak Agrawal to open account and therefore the applicant, bona fidely discharging his duty, allowed him to open the account and Deepak Agrawal may have operated the account which the applicant is not aware as Deepak Agrawal was the power of attorney holder of M/s. Lakshminarayan Enterprises at the relevant point of time, and account in the name of M/s. Lakshminarayan Enterprises was opened after verification of KYC documents and certificate issued by the competent authority in accordance with the RBI and Axis Bank guidelines. The applicant has not misappropriated any amount either of Deepak Agrawal or of M/s. Lakshminarayan Enterprises and he is ready and willing to furnish bail bonds and abide by the conditions that may be imposed upon him by this Court while granting him anticipatory bail. The applicant is holding the office of Axis Bank Limited as Assistant Vice President and Branch Head of Axis Bank, Korba when the alleged false report was made by the complainant with respect to the fraud committed with it by its power of attorney Deepak Agrawal. He would further submit that the complainant's application under the Right to Information Act has been rejected by the applicant.

4. On the other hand, learned State counsel would oppose the application and would submit that the applicant has facilitated the opening of second account in the name of M/s. Lakshminarayan Enterprises by Deepak Agrawal and by which Deepak Agrawal played fraud and misappropriated the amount

of M/s. Lakshminarayan Enterprises.

5. I have heard learned counsel for the parties and perused the case diary.

6. Admittedly, the applicant was Assistant Vice President and Branch Head of Axis Bank, Korba at the relevant point of time and there is no dispute on the point that the applicant allowed the opening of account in the name of M/s. Lakshminarayan Enterprises only on being authorized by power of attorney holder Deepak Agrawal and there was power of attorney in the name of Deepak Agrawal by M/s. Lakshminarayan Enterprises when the account was opened and it appears that thereby Deepak Agrawal operated the account. It is not the case that while opening account in the name of M/s. Lakshminarayan Enterprises, Deepak Agrawal was not duly authorized or KYC documents and certificate issued by the competent authority were not in accordance with the RBI and Axis Bank guidelines.

7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, further taking into account that the complainant's application under the Right to Information Act has been rejected by the applicant and considering the allegation under Sections 3(1)(iv) and 3(1)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, I consider it a fit case for grant of anticipatory bail to the applicant. Accordingly, the application is allowed.

8. It is, therefore, directed that in the event of arrest of the applicant in connection with the aforesaid offences, he shall be released on bail by the officer arresting him on his executing a personal

bond in the sum of Rs.1,00,000/- with one surety in the like sum to the satisfaction of the concerned investigating / arresting officer. The applicant shall also abide by the following conditions: -

1. He shall make himself available for interrogation before the concerned arresting / investigating officer as and when required.
2. He 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.
3. He shall not act, in any manner, which will be prejudicial to fair and expeditious trial.
4. He shall also appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

9. It is made clear that the trial Court would decide the criminal case strictly in accordance with law without being influenced by any of the observations made herein, as the observation made herein is only for deciding the application for grant of anticipatory bail, and the court framing charge will also not be influenced by any of the observations made herein.

Sd/-
(Sanjay K. Agrawal)
Judge

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