

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 945 of 2017

- Lkesh Kumar Chandradev S/o Shri B. R. Chandradev, Aged About 29 Years Ex- Assistant (C R A), State Bank Of India, Regional Office Jagdalpur Chhattiasgarh R/o Bimleshwari Coloney, Behind R. K. Jems Borsi, Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dantewada, District Dantewada Chhattisgarh

---- Respondent

For Applicant : Mr. Vinod Kumar Sharma, Advocate.

For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/12/2017

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Complaint Case No.112/2016 registered at Police Station-Dantewada, District – Dantewada(C.G.), for the offence punishable under Sections 420, 467, 468 & 471 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. There is no such evidence in the investigation, on the basis of which applicant can be held responsible for the commission of offences as alleged in the FIR against him, hence, prayed that applicant be enlarged on anticipatory

bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that applicant had in capacity of an employee of the bank, created forged document to withdraw the amount from the account of one account holder, which is serious nature of offence of breach of trust and cheating, hence, he is not entitled for grant of anticipatory bail.
4. Heard both the counsels and perused the case diary.
5. The facts of the case are these, that applicant was employed as a Cashier in State Bank of India, Dantewada. It is alleged that applicant put his own thumb impression on withdrawal form to withdraw the amount from the savings account of Chameli Bai and, thus, he withdrew Rs.1 lakh committing offence of cheating, forgery etc.
6. As per the report attached with case diary, the applicant has been removed from service and that he has also deposited the amount withdrawn into the account of said Chameli Bai after initiation of prosecution and departmental inquiry against him.
7. Taking into consideration the development in the situation after the commission of offence, and that the availability of applicant can be ensured by imposing the conditions, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed and 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge