

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 1366 of 2016**

Niranjan Kumar S/o Late Nand Ram Sahu, aged about 39 years, Cast-Sahu, R/o- Dhardeyi, through (Vhaya) Kharod, Tahsil- Pamgarh, District- Janjgir-Champa, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through- District- Magistrate, Janjgir-Champa, District- Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Shri Atul Ku. Kesharwani on behalf of Shri Ishwar Jaiswal, 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 the applicant is a clerk in the said

bank and that his case is squarely covered by the decision of this Court in the case of Antram Chandrakar who also happens to be a clerk in the said bank and has been made accused. He further submits that the said Antram Chandrakar has already been granted anticipatory bail by this Court in M.Cr.C.(A) No. 1211 of 2016 dated 05.01.2017 and therefore, the present applicant may also be granted the benefit of anticipatory bail.

4. State Counsel, on verifying the records fairly submits that so far as the allegation against the present applicant is concerned, it is the same as is against co-accused Antaram Chandrakar.

5. Considering the facts and circumstances of the case particularly taking note of the fact that the present applicant was working as a junior clerk at the relevant point of time and identically placed co-accused Antram Chandrakar has already been granted anticipatory bail, this Court is of the opinion that it is a fit case where the present applicant can also be granted the advantage of anticipatory bail.

6. 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

Bhola