

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 366 of 2018

Yogeshwardas, S/o Shri Motidas Vaishanav, aged about 59 years, Caste- Vaishanav, R/o Village- Bhuwalpur, PS Kunda, Tehsil- Pandariya, Civil & Revenue District- Kabirdham (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through- the Station House Officer, P.S. Pandartarai, District- Kabirdham (C.G.).

---- Respondent

For Applicant	:	Mr. Dinesh Tiwari, Advocate
For Respondent	:	Mr. Neeraj K. Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

21/06/2018

1. Heard.
2. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 114/2017 registered at police station –Pandartarai, Dist- Kabirdham(C.G.) for the offence punishable under Sections 420 and 406 of IPC.
3. As per prosecution story the applicant was posted at Sahakari Sewa Samiti Kunda as Assistant Sanstha Prabandhak. He received a loan amount of Rs. 23,32,195/- from the farmers. It is alleged that he has not deposited that amount with the Bank. A report was lodged on 30/11/2017 by the Branch Manager of the Cooperative Bank. On the basis of said report, offence has been registered against the present applicant.

4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case due to political rivalry. He further submits that as per audit report, Rs. 23,32,195/- was less in the financial year of 2015-16 and the same amount was showing excess in the accounting year of 2016-2017. He further submits that vide challan dated 31/03/2015, the applicant has deposited Rs. 13,20,548 and Rs. 10,21,952, respectively. He further submits that on technical ground of banking process that amount was deposited in the month of April, 2016, whereas, it would have to be deposited on 31/03/2015, thus it is apparent on the face of record that the amount deposited was accidentally taken by the concerned bank on 1st of April, 2016 instead of 31/03/2015, therefore, no offence is made out against the applicant. It has been further submitted that the applicant has been falsely implicated by the complainant to harass him, therefore, the applicant may be extended the benefit of anticipatory bail.
5. Learned counsel appearing on behalf of the State opposes the said application, however, he admitted the said contention regarding depositing of the said amount by the applicant on 31/03/2015.
6. Looking to the above facts and circumstances of the case, particularly, the fact that the amount has already been deposited by the applicant on 31/03/2015 through challan, I am inclined to release the applicant on anticipatory bail.
7. Accordingly, MCRCA No. 366/2018 is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.20,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he

shall abide by all the following terms and conditions:

- i. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
- ii. The accused/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. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. 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.

9. Certified copy, as per rules.

Sd/-
Judge
Arvind Singh Chandel

Rahul