

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 464 of 2018

1. Savita Sinha W/o Shri Vinay Kumar Sinha Aged About 53 Years
Manager, Dena Bank, Khursipaar Branch, Bhilai, Tahsil And District
Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Sanjeev Mehta S/o Shri J P Mehta Aged About 46 Years Clerk, Dena
Bank, Smriti Nagar Branch, Tahsil And District Durg, Chhattisgarh.,
District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Somni, District Rajnandgaon, Chhattisgarh., District :
Rajnandgaon, Chhattisgarh

---- Respondent

For Applicants : Mr. Raza Ali, Advocate.

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

22/06/2018

1. The applicants have preferred this bail application under Section 438
of Cr.P.C. apprehending their arrest in connection with Crime
No.213/2017 registered at Police Station - Somni, District –
Rajnandgaon (C.G.), for the offence punishable under Sections 420,
467, 468, 34 of the Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent
and have been falsely implicated in this case. It is submitted that

applicant No.1 is Manager of Dena Bank and she was on temporary deputation on the date of incident in Dena Branch, Somni. Similarly, applicant No.2 is Clerk in the same bank and was on temporary deputation on the date of incident in Dena Branch, Somni. It is submitted that signature on the withdrawal form has been examined by the bank and the police through different experts and the reports of both the experts do not concur. The applicants are not the recipients of the amount fraudulently withdrawn on the basis of forged withdrawal form and at the most they can be held liable for dereliction of duty. Hence, it is prayed that they may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the evidence in the case diary both the applicants are directly responsible for this fraudulently withdrawal and misappropriation of withdrawal amount, hence, they are not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. Case against the applicant is this, that an amount of Rs.2 lakh was withdrawn on 23.1.2013 from the savings bank account of complainant Ramesh Kumar Kesar. As the complainant had not made this withdrawal, he made a complaint and on that basis the withdrawal form containing signature of complainant was sent by the bank to the handwriting expert for examination and as per the report of the expert, the signature on the withdrawal form does not tally with the original signature of the complainant. Hence, this case.
6. On perusal of the case diary it is appears that these applicants are not the beneficiaries of such withdrawal, therefore, I am of this view that this is a fit case where the applicants should be enlarged on

anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each 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 applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants 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