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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No.535 of 2018**

Vijay Narayan Rao, S/o Late Nagraj Rao, aged about 61 years, R/o State Bank Colony, Kirandul, District South Bastar, Dantewada, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station Kirandul, District Dantewada, Chhattisgarh

---- Respondent

For Applicant	:	Shri Manoj Paranjpe, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****17.7.2018**

1. The Applicant is apprehending his arrest in connection with Crime No.25 of 2018 registered at Police Station Kirandul, District Dantewada for offence punishable under Section 409 of the Indian Penal Code.
2. Facts of the case, in brief, are that one Rajeev Kumar Goyal has lodged a written complaint that he is holding a Savings Bank Account in Kirandul Branch of State Bank of India. It is alleged that sometime in February, 2017, he had deposited a sum of Rs.8,30,972.82 in his said bank account. The present Applicant, being a cashier, was posted in the Kirandul Branch of the State Bank of India. It is further alleged that after depositing the aforesaid amount, he had handed over his passbook to the Applicant for making entry of the deposit made by him. In January, 2018, when he went to Raipur for treatment of his mother and for making certain payments he used his ATM Card for payment of medical bills, at that point of time, he came to know

that he has no balance in his bank account. Then he approached the Bank. The Applicant assured him that the amount will be deposited in his account within a short span of time. After sometime, he swiped his ATM Card and the payment was done. When he returned to Kirandul and went to the Bank and got his passbook updated, he came to know that on 27.3.2018 a sum of Rs.4,00,000/- and on 31.3.2018 a sum of Rs.4,00,000/- were deposited in his bank account. On the basis of his written complaint, First Information Report has been registered.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. There is no direct evidence against the Applicant to establish that it was the Applicant himself who withdrew the amount from the bank account of the Complainant or deposited the said amount in his account. The Complainant has also pleaded no objection before the Trial Court for grant of bail to the Applicant. The amount has already been deposited in the bank account of the Complainant. Therefore, no amount has been misappropriated. The Applicant is a person of 61 years of age and is a resident of Kirandul itself. Therefore, he may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State/Respondent opposes the bail application. He submits that there is sufficient evidence against the Applicant which shows that he is involved in the crime in question.
5. I have heard Learned Counsel appearing for the parties and perused the material available with due care.

6. Considering the facts and circumstances of the case, the evidence collected against the Applicant and the arguments advanced on behalf of the parties, I am not inclined to grant him anticipatory bail.
7. Accordingly, the bail application is rejected.
8. However, it is directed that after surrender or arrest of the Applicant, on filing of an application by him before the Trial Court for grant of regular bail, the same shall immediately be considered, preferably on the date of filing itself.

Sd/-

(Arvind Singh Chandel)
JUDGE