

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 683 of 2018

- Rahul Gupta S/o Shri Basant Gupta Aged About 28 Years R/o Sikolabhatha, Premnagar, Durg, Tahsil and District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - The Police Station Bhilai -3 District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Vipin Tiwari, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-08-2018

1. Apprehending arrest in connection with Crime No.35/2018, registered at Police Station – Bhilai – 3 Durg, Revenue and Civil District- Durg, Chhattisgarh for offence punishable under Section 409, 420 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The fact is this, that he had resigned from his job in HDFC Bank on 02-05-2017 and all the allegations regarding the incident relate to the period after his resignation, which shows that a totally improbable story has been brought-forth by the complainant, whereas, the fact is this, that when the applicant resigned from his service he was being pressurized by the Bank officials to take back his resignation and join the service, hence, a false FIR has been lodged against him. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that clear allegation has been made by the complainant about commission of offence of embezzlement by this applicant, hence, he is not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. A written complaint has been filed on 16-06-2017 by the officer of HDFC

Bank against the applicant alleging that this applicant has received installments from various self help groups giving assurance that he will deposit the same in the Bank towards their loan repayment and the same installments had been embezzled and misappropriated by him.

6. Considered on the entire material present in the case diary. It appears that the alleged receipts are of the period subsequent to his resignation and another fact that is noticed is that there is no acknowledgment to the receipts of the amount taken from the self help groups, hence, after due consideration, I am of this opinion that this is a fit case where the applicant should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. 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 executing a personal bond in 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 him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge