

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 779 of 2018**

Shrawan Kumar Painkara, S/o. Shri Netram Painkara, Aged About 48 Years, R/o. Village Poprela, P.S. Batauli, Distt. Surguja Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The Police Station In Charge P. S. Rajpur, Distt. Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant : Mr. Bhupendra Singh, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**23/08/2018**

1. Apprehending arrest in connection with Crime No.172/2014, registered at Police Station – Rajpur, District – Balrampur (C.G.) for offence punishable under Section 420, 409, 467, 468, 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The date of fraudulent withdrawal from the account of complainant is 23.12.2013, whereas, the applicant has joined as Branch Manager of the District Cooperative Bank, Rajpur in the month of January, 2014. Subsequent to which one account was opened in the name of the complainant for which there is no dispute. Hence, no case is made out against the applicant according to the material present in the case. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. It is a case in which the area of the land of the complainant Sanohar were inflated by the concerned persons of the paddy purchase center and the amount of Rs.1,50,600/- was deposited in one account, which already existed in the name of the complainant in the year 2013 and the same was withdrawn in the month December 2013. After complaint were received, an enquiry was made by the committee constituted by the Collector, in which the finding is given that opening of second account of the complainant shows negligence on the part of the applicant.
6. Considered the submissions made and the documents placed on record. After due consideration on all the material present in the case record, this Court is of the opinion that present is a fit case, in which the applicant should be extended the benefit of Section 438 of Cr.P.C.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram