

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 875 of 2017**

U.K. Solanki S/o S L Solanki Aged About 57 Years Authorized Officer
Allahabad Bank Main Branch Ujala Bhawan Station Road Durg Police
Station Mohan Nagar Durg District Durg Chhattisgarh.

---- Applicant**Versus**

Pradeep Kumar Chakravarti S/o B B Chakravarti Aged About 50 Years
R/o House No. 111/ D, Ruvabandha Sector Police Station Sector - 6
Bhilai District Durg Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Uttam Pandey, Advocate.
For the Respondent/Non-applicant	:	Shri T.K. Jha, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.02.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Complaint Case No. 7422 of 2016 which is pending before the Court of Judicial Magistrate First Class, Durg, District - Durg, Chhattisgarh for the offence punishable under Section 420 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. The applicant is the authorized officer of Allahabad Bank, Main Branch, Durg. The concerned

plot was a secured asset of the Bank which was sold out to the complainant through e-auction. The grievance of the complainant is that the plot was not owned by the Bank itself. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned counsel for the respondent/ complainant opposes the bail application and the submissions made in this respect. It is submitted that the applicant without being authorized by the Board of Directors of the Bank has made sale transactions. Apart from that, the applicant had no authority to transfer the same therefore the applicant has committed offence of cheating. Hence, the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. The case is that the applicant is the Branch Manager and Authorized Officer of Main Branch, Allahabad Bank, Durg situated at Risali, which seized a plot as the secured asset against some loan. The same plot was e-auctioned, the complainant was the highest bidder and on the basis of which, the plot was transferred in the name of the applicant by the Authorized Officer of Allahabad Bank. The grievance of the complainant is that the said plot is non-existent, hence, the complaint was filed. The trial Court has taken cognizance under Section 420 of the IPC against the applicant.

7. The demarcation report has been filed alongwith the application showing that the plot is existing on the spot mentioned in the sales certificate. However, the applicant is in the capacity of the Authorized Officer of the said Bank, has authority under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 to seize, take possession of the secured asset and transfer the same for satisfying the secured interest. Taking into consideration all the facts, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi