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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1098 of 2017

- Sunil Nigam S/o S.P. Nigam, Aged About 32 Years, Permanent Address Shastri Colony Venkatward Katni, Tehsil and District Katni M.P., Current Address Deputy Branch Manager Axis Bank Satna, Tehsil and District Satna M.P., Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Civil Line Bilaspur, Tehsil and District Bilaspur, Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Arvind Shrivastava, Advocate.
For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

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

07-02-2018

1. Apprehending arrest in connection with Crime No.865/2017, registered at Police Station – Civil Lines Bilaspur, District Bilaspur, Chhattisgarh, for offence punishable under Section 420, 409, 467, 468 and 471 of the IPC, 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 is innocent and has been falsely implicated in this case. At the relevant point of time the applicant was working as Personnel Banking Executive in HDFC Bank at Bilaspur. The applicant has resigned from the job in HDFC Bank and is presently engaged as Deputy Branch Manager in Axis Bank at Satana. After the defalcation of the deposits made by complainant Smt. Alpana Singh in HDFC Bank, the manager and employees of the bank have falsely implicated this applicant, because of the reason that he has left the job of that bank. It is submitted that there is no evidence against this applicant, that he has received and misappropriated the amount, hence, no case is made out against him. Therefore, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and

submission. It is submitted that the complaint made by complainant Smt. Alpana Singh was investigated by the bank itself, in which, it has been found that it was the applicant who had helped customer Smt. Alpana Singh in opening account and in making the fixed deposits. Subsequent to that, it has been found that the applicant was the person who deliberately changed the address and mobile number of the customer so that she could not receive any message or correspondence regarding the transactions taking place with respect to her bank account. It was also found in the investigation that the applicant was the person who got issued the cheque book in the name of Smt. Alpana Singh and had used the same for the purpose of withdrawing the amount after premature closure of the fixed deposits. Hence, looking to the role played by the applicant in the whole incident, he is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. On going through the report of the bank investigator, it appears that there is witness to this fact that it was the applicant who presented the self cheque of the complainant for withdrawal after the premature closure of the fixed deposits and on query made by the witness of the treasury counter, it was the applicant who convinced him that he is authorized person to receive the same. The case is under investigation and at this stage it cannot be said that no case is made out against this applicant. After considering the entire material present in the case diary, I am of this view that the applicant does not deserve to be benefited with grant of anticipatory bail.

6. Consequently, this application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail is hereby dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil