

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1440 of 2018**

V. 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 : The Station House Officer, Police Station Kirandul District South Bastar Dantewada Chhattisgarh.

---- Respondent

For Applicant : Mr. N.K. Malviya, Advocate
For Respondent/State : Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/11/2018**

1. Apprehending arrest in connection with Crime No.50/2018, registered at Police Station – Kirandul, District – South Bastar Dantewada (C.G.) for offence punishable under Section 409, 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 applicant has served full term of his service and superannuated on 31.03.2018, subsequent to which false complaint was made against him by the aggrieved persons namely Rajiv Goyal, Premlal Yadav and Masa Ram Kunjam, who have given affidavit in support of the applicant making statement that because of some

misunderstanding, they have made complaint against this applicant, whereas, their accounts are up to date and they have no complaint in that respect, hence, it is prayed that no case is made out against the applicant. Therefore, it is prayed 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. It is submitted that on the basis of the complaint made by the account holders, the Bank Manager has inquired and found about the unauthorized withdrawals were made by this applicant from the bank accounts of the aggrieved persons. State counsel places reliance on the judgment of the Supreme Court in case of *Sudhir Vs. State of Maharashtra & Anr. reported in (2016) 1 SCC 146* and submits that, looking to the nature of act committed by this applicant, he is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. It is alleged that this applicant in capacity of Senior Associate Customer Support Sale of State Bank of India, Branch – Kirandul had made use of his authority to make fraudulent withdrawals from the accounts of the aggrieved persons as aforementioned, to the tune of Rs.17,87,000/-. After enquiry on the complaint, the Branch Manager of the said bank has lodged FIR against this applicant.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also considering on the affidavits of the aggrieved persons that

have been filed along with this application, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

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