

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1510 of 2018**

Charles Naveen Minj, S/o. M.H. Minj, Aged About 37 Years, R/o. Senior Branch Manager, Dena Bank, Branch Dhamtari, Tehsil and District Dhamtari Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Dongargarh, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	: Mr. Surfaraj Khan, Advocate
For Respondent/State	: Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**27/11/2018**

1. Apprehending arrest in connection with Crime No.180/2018, registered at Police Station – Dongargarh, District – Rajnandgaon (C.G.) for offence punishable under Section 420, 467, 468, 471/34, 120-B 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 applicant was the Branch Manager of Dena Bank, in Dongargarh at the time of incident. The applicant had acted in his official capacity in sanctioning the loan, when the application was made by the concerned beneficiaries and he is not a party to the withdrawal of the amount and disbursement of the same. Presently, the applicant is posted as Senior Branch Manager, in Dena Bank, Dhamtari and

he is not involved in the crime committed in any manner. 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 the witnesses have stated that they have met with the applicant at the time of applying for loan and he had given assurance for sanctioning the loan, which shows his involvement in the crime. Hence, the applicant is not entitled to be released on 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 between 2010 to 2014, loan applications were filed before the Dena Bank, Dongargarh. After verifying, the loan applications were cleared and loan was sanctioned by this applicant. The allegation of the complainant in this case is this that after disbursement of loan, he received petty amount, whereas all the amount has been misappropriated by the other co-accused persons.
6. Considered the submissions made and the contents of the case diary.
7. As there is no specific allegation made by the complainant that this applicant had been recipient of any share amount of the loan sanctioned, hence, after due consideration on all the material present on record and considering the facts and circumstances of the case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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