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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A) No. 1567 of 2018**

Ajay Kumar Singh, S/o. Shri Rajeshwar Singh, Aged About 47 Years, Caste Kshtriya, Occupation Service, R/o. Ramanujganj, Police Station Ramanujganj District Balrampur-Ramanujganj Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : P. S. Charcha, District Koriya Chhattisgarh.

---- Respondent

AND**M.CR.C.(A) No. 1604 of 2018**

Jashkaran Baid, S/o. Late Ratanlal Baid, Aged About 61 Years, R/o. House No. 121, M.L.A. Nagar, Junapara, Baikunthpur, P.S. Tahsil Baikunthpur District- Korea, Chhattisgarh., District : Koriya, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station- Charcha Colliery, District- Korea, Chhattisgarh.

---- Respondent

For Applicants : Mr. Pawan Shrivastava and Mr. Anil Gulati,
Advocates

For Respondent/State : Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/12/2018**

1. Both the bail applications are heard and decided together by this common order as they are arising out of same crime number and the incident.
2. The applicants in both the cases are apprehending arrest in connection with Crime No.146/2018, registered at Police Station – Charcha, District – Koriya for the offence punishable under Section 294, 409, 420, 465, 467, 468, 471, 506/34 of the Indian Penal

Code, have preferred these applications for grant of anticipatory bail.

3. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. The applicant in M.Cr.C.(A) No.1567/18 is the Post Master, who was posted at the Sub-Post Office, Charcha at the relevant point of time. Whereas, the applicant in M.Cr.C.(A) No.1604/2018 is the person, who is one of the account holder of the joint accounts regarding which the complaint had lodged. It is submitted that the applicant – Jaskaran Baid has entitlement to make withdrawals from joint accounts on the basis of his sole signature according to the terms and conditions and he has that entitlement to make withdrawals, which is not an offence in any sense. Similarly, the applicant -Ajay Kumar Singh in capacity of Post Master has approved the withdrawals finding them correct and bonafide, which does not amount to any offence. Therefore, it is prayed that the applicants may be enlarged on anticipatory bail.
4. Per contra learned State counsel opposes the applications for grant of bail and the submissions made in this respect. It is submitted that in the complaint given, serious allegations have been made against both the applicants, regarding forgery and cheating, therefore, no case is made out for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Complainant Sujay Kumar claims to be the son of applicant Jaskaran Baid, which is being disputed by the applicant – Jaskaran Baid. In the complaint given, he has stated that the applicant –

Jaskaran Baid had made withdrawals from 18 joint accounts, which were standing jointly in the name of Jaskaran and other family members between the year 2014-2017 and in total about Rs.25.00 lakhs has been withdrawn in an unauthorized manner with the help of forged signature of joint accounts' holder in which the applicant Ajay Kumar Singh was collaborator, who had having knowledge that the withdrawals are fraudulent has connived and approved the same.

7. Considered the submissions made and the contents of the case diary. The allegation though made are not completely explained. Jaiskaram Baid himself appears to be one of the joint account holders and according to the terms and conditions of the joint bank accounts, he can have entitlement to make the withdrawals solely from the accounts which the Bank official is bound to approve, hence after due consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
8. Accordingly, the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;

- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram