

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1587 of 2018

- Sanjay Tirkey S/o Baburam Tirkey Aged About 48 Years Working As A Hall Incharge Oriental Bank Of Commerce, Raigarh Branch, Raigarh P. S. Kotwali, Raigarh R/o Sarkanda, P. S. Sarkanda, Tehsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Janjgir District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent

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MCRCA No. 1611 of 2018

- Ashok Dubey S/o L. P. Dubey Aged About 49 Years R/o Nehru Nagar Bilaspur ,thana Civil Line ,tahsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Janjgir District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Rupesh Shrivastava, Advocate in M.Cr.C.(A) No.1587/2018. Mr. Rajkamal Singh with Mr. Vikash Pandey, Advocates in M.Cr.C. (A) No.1611/2018.
For Respondent/State:		Mr. Avinash K . Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/12/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in all the cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.425/2018 registered at Police Station Janjgir, District – Janjgir-Champa (C.G.) for the offence punishable under Sections 420, 467, 468, 471/34 of Indian Penal Code (for short 'IPC').
3. Learned counsel appearing on behalf of applicant Sanjay Tirkey submits that applicant is the then Branch Manager of Oriental Bank of Commerce (OBC), Janjgir, who had disbursed the loan after verifying the documents produced before him and to the person who appeared before him for sanction of loan. Later on, when the complaint was received by him, he himself made a complaint to the police to conduct an inquiry in this respect. Even if the said loan has been obtained fraudulently then the applicant is not the beneficiary of the same. Hence, it is prayed that anticipatory bail be granted to this applicant.
4. Learned counsel appearing on behalf of applicant Ashok Dubey submits that this applicant is an Advocate by profession and at the request of bank he has submitted the search report in respect of the land. This applicant is not required to verify the person who has appeared before the bank or who presented himself as the land owner. Therefore, the applicant has been falsely implicated without there being any evidence against him in the investigation. Hence, it is prayed that he may be released on anticipatory bail.

5. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that the police has found material in the investigation showing involvement of these applicants and the police is intending to file supplementary charge-sheet against these applicants. Hence, they are not entitled for grant of anticipatory bail.
6. Heard both the parties and perused the case diary.
7. The case of prosecution is this, that one Sindhu Lala Urmala impersonated as Champa Bai and obtained loan of Rs.9,21,000/- under the scheme of 'Kisan Credit Card' from the Oriental Bank of Commerce, Janjgir. Hence, this case.
8. Considered on the entire material present in the case dairy. The person appeared in the bank has been duly identified by the identifying witness and on the basis of such identification, the Bank Officer has performed his duty by verifying the papers on the spot. Similarly the person submitting search report with the bank, whether he is responsible to identify the person present in the bank for obtaining loan is a question to be answered in trial. Thus, the circumstances appears to be in favor of both the applicants at present and therefore I am of this view that both the applicants are entitled for grant of anticipatory bail.
9. Accordingly, the anticipatory bail applications of applicants are allowed and it is directed that in the event of their arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. 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 them 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge