

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1613 of 2018**

Vinay Kumar Wani S/o Deep Kumar Wani Aged About 39 Years R/o Om Nagar Jarhabhata ,police Station Civil Line ,bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer ,police Station Civil Line Bilaspur ,civil And Revenue District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Ms. Seema Singh, Advocate.
For the Respondent/State : Shri Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.12.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 931 of 2018, registered at Police Station – Civil Lines, Bilaspur, District – Bilaspur, Chhattisgarh for the offences punishable under Sections 409, 420, 467, 468 and 471/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is a Manager of the Going Opportunity Finance India Company Private Limited. He has not committed

any of the offence as alleged in the complaint. The only allegation raised against him that he has failed to perform his duty in verifying and monitoring the disbursement of loans etc. According to the complainant itself, co-accused – Kunwar Lal and Shyam Lal are the persons who have misappropriated the amount of distribution of loans to the beneficiaries. Hence, it is prayed that this applicant may also be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. The complainant is the original Manager of the Company aforementioned who has filed a complaint stating that according to the schemes of the company, the small loan amounts were approved and disbursed by this applicant in favour of the beneficiaries and that the amounts which disbursed were handed over to the co-accused persons, namely, Kunwar Lal and Shyam Lal, who were supposed to pass over the amount to the beneficiaries and then make recovery of the installments. The company has enquired and found that the co-accused persons have misappropriated the loan disbursed and the amount received from the installment from various beneficiaries and the allegation is that this applicant has failed in his duty in verifying and monitoring the loans' disbursement. Hence, this case.

7. Considered the entire material present in the case-diary. The applicant has not been named as the one who has misappropriated any amount. Hence, for these reasons, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge