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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 237 of 2019**

1. Raj Chetani, S/o. Late Shri Dilip Chetani, Aged About 32 Years, R/o. Verma Tower Gali, Sindhi Colony Jarhabhata, Bilaspur, District Bilaspur Chhattisgarh.
2. Nitin Harjpal, S/o. Late Vidyachandra Harjpal, Aged About 31 Years, R/o. Ward No.4, Balram Talkies Road Jarhabhata, Bilaspur, District Bilaspur Chhattisgarh.
3. Manoj Kumar Poptani, S/o. Moti Ram Poptani, Aged About 31 Years, R/o. Shastri Nagar, Sindhi Colony Shahdol, Madhya Pradesh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Police Station – Civil Line Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent**AND****M.CR.C.(A). No. 260 of 2019**

Lakhanlal Wadhwani, S/o. Shrichand Wadhwani, Aged About 27 Years, R/o Qtr. No. A -4, Mahavir City, Rajkishore Nagar, Mopka, Police Station Sarkanda, Tahsil and District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Incharge Of Police Station, Police Station Civil Lines, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants (In M.Cr.C.(A) No.237/2019)	: Mr. Pramod Verma, Sr. Advocate with Mr. Ashish Shukla, Advocate
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For Applicant (In M.Cr.C.(A) No.260/2019)	: Mr. Manoj Paranjpe, Advocate
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For Respondent/State	: Mr. H.S. Ahluwalia, Dy. A.G.
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Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****27/02/2019**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. Apprehending arrest in connection with Crime No.36/2019, registered at Police Station – Civil Lines, District – Bilaspur (C.G.) for offence punishable under Section 420, 409 & 120-B of the Indian Penal Code, the applicants have preferred these applications for grant of anticipatory bail.
3. It is submitted by the learned counsel appearing on behalf of the applicants (in M.Cr.C.(A) No.237/2019) that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present in the case diary. The offence has been committed by the main accused Sumit Pandey, who has made use of the bank accounts of these applicants in transferring the amount. These applicants have no knowledge regarding authority of transfer made by the main accused, however, the main accused was under some liability towards these applicants to make payment, which the applicants believed to be the reason that transfer of the amount in their bank accounts were made.
4. It is submitted by the learned counsel for the applicant (in M.Cr.C. (A) No.260/2019) that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. It is submitted that on receiving the amount of Rs.6.00 lakhs in his account without any reason, he made an enquiry and has refunded the amount to the accounts of Bilaspur Nagrik Sahkari Bank Limited vide Annexure A-7, therefore, it is prayed that the applicant may be enlarged on anticipatory bail.
5. Per contra learned State counsel opposes the applications for grant of bail and the submissions made in this respect. It is submitted that

these applicants along with other co-accused persons all are engaged in game of betting because of which, on their instigation, the main accused Sumit Pandey has misused the password of the bank for making transfer of the amount to the bank accounts of these applicants and others in total 49 persons. Therefore, these applicants are not entitled for grant of anticipatory bail.

6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
7. Complainant – Suresh Kumar Mishra, Assistant Manager in Bilaspur Nagrik Sahkari Bank Limited, Brihaspati Bazar, Bilaspur has given written complaint that these applicants are bookies and the main accused Sumit Kumar Pandey, who happens to be clerk in the bank was owing huge amounts to them for the reasons that he has lost in betting, therefore, on inducement given by these applicants and others, the main accused has made transfer of Rs.3,25,97,000/- from the accounts of the bank to the accounts of the 49 different persons.
8. The applicants are bookies/betting agents, this is based on the statement given by the main accused himself, who has also stated that the applicants were pressurizing for return of the amount due to them, therefore, the main accused resorted to this act. One applicant – Lakhan Lal Wadhwani has made the refund, whereas, the other applicants have not made any such offer.
9. Hence, after due consideration both the applications are allowed with a condition, that the amount transferred to the accounts of these applicants shall be repaid to the accounts of Bilaspur Nagrik Sahkari Bank and on production of proof of such payment and 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, they shall be released on anticipatory bail.

10. Accordingly, both the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.

11. 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