

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 248 of 2019**

- Vijay Narayan Rao S/o Late Nagraj Rao, aged about 61 years, R/o State Bank Colony Kirandul, District- South Bastar, Dantewada, Chhattisgarh. (As per FIR).

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer Kirandul, Thana Kirandul, District – South Bastar, Dantewada, Chhattisgarh.

---- Respondent

For Applicant	: Shri N.K. Malaviya, Advocate.
For Respondent/State	: Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**01/03/2019**

1. This is a repeat anticipatory bail application of the Applicant. First anticipatory bail application was rejected on merits vide order dated 17.07.2018 passed in MCRC(A) No. 535 of 2018 by this Court.
2. The Applicant is apprehending his arrest in connection with Crime No. 25 of 2018 registered at Police Station Kirandul, District- Dantewada for offence punishable under Section 409 of the Indian Penal Code.
3. Facts of the case, in brief are that, one Rajeev Kumar Goyal has lodged a written complaint that he is holding a Savings Bank Account in Kirandul Branch of State Bank of India. It is alleged that sometime in February, 2017, he had deposited a sum of Rs. 8,30,972.82 in his said bank account. The present Applicant, being a Cashier, was posted in the Kirandul Branch of the State Bank of India. It is further alleged that after depositing the aforesaid amount, he had handed over his passbook to the Applicant for making entry of the deposit

made by him. In January, 2018 when he went to Raipur for treatment of his mother and for making certain payments, he used his ATM Card for payment of medical bills, at that point of time, he came to know that he has no balance in his bank account. Then he approached the Bank. The Applicant assured him that the amount will be deposited in his account within a short span of time. After sometime, he swiped his ATM and the payment was done. When he returned to Kirandul and went to the Bank and got his passbook updated, he came to know that on 27.03.2018 a sum of Rs. 4,00,000/- and on 31.03.2018 a sum of Rs. 4,00,000/- were deposited in his bank account. On the basis of his written complaint, First Information Report has been registered.

4. Learned Counsel for the Applicant submits that the Complainant Rajeev Goyal has given a letter to the Bank on 15.06.2016 itself that his balance in his bank account was intact and no money was left with the Applicant in any respect. It is further submitted that subsequently on 02.06.2018 Branch Manager of the SBI Kirandul Branch lodged a separate FIR against the Applicant wherein it has been alleged the present Applicant has dishonestly misappropriated the amount of Rs. 17,87,000/- of the account holders i.e. aggrieved persons namely Rajeev Goyal, Premlal Yadav, Masa Ram Kunjam. On the basis of the said FIR, a separate Crime No. 50/2018 has already been registered by Police Station Kirandul against the present Applicant. He also submits that the present Crime No. 25/2018, has been registered on the complain made by Rajeev Goyal regarding dishonestly misappropriating the amount of Rs. 8,00,000/-. The same allegation of dishonestly misappropriating of amount of Rs. 8,00,000/- is mentioned in Crime No. 50/2018. Thus, two separate crime numbers have been registered on the basis of the same allegations. Vide order dated 12.11.2018 passed in MCRC(A) No. 1440 of 2018 registered in Crime No. 50/2018, the present Applicant has already been granted anticipatory bail by the Co-ordinate Bench. Thus, considering the change facts, the Applicant may also be granted anticipatory bail in the present case.

5. Per contra, learned Counsel appearing on behalf of the State opposes the anticipatory bail application. However, he admits the fact that the Crime No. 25/2018 has been registered on the complain made by Rajeev Goyal on the allegation of dishonestly misappropriating of amount of Rs. 8,00,000/- whereas crime No. 50/2018 has been registered on the complain made by the Branch Manager of the SBI Kirandul Branch on the same allegation.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the submissions made and further considering the entire material present in the case diary and also considering the change circumstances of the case, I am inclined to extend the benefit of Section 438 to the Applicant.
8. Accordingly, anticipatory bail application filed under Section 438 of the 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 the 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/-
(Arvind Singh Chandel)
Judge