

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 924 of 2019

- Santosh Kumar Gandharv, S/o Bisheshar Ram Gandharv, Aged About 50 Years Working As Samiti Manager, Co-Operative Society, Chilphy, and In-Charge Supervisor of District- Co-Operative Bank, Branch-Bodla, R/o Village-Marka, Police-Station-Pipariya, District- Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through District-Magistrate, Kabirdham, Chhattisgarh.

---- Respondent

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MCRCA No. 926 of 2019

- Bharat Bhushan Gahine (B.B. Gahine), S/o Shri Mehtaru Ram Gahine, aged about 49 Years, Occupation-Branch Manager, District-Sahkari Bank Limited, Rajnandgaon, Branch-Bodla, R/o S/Lohara P.S. & Tehsil S/Lohara, Disrtrict- Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The SHO Taregaon Jungle, District-Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Dharmesh Srivastava, Advocate in MCRCA No. 924 of 2019.
	:	Mr. Avinash Chand Sahu, Advocate in MCRCA No.926 of 2019.
For Respondent/State	:	Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/07/2019

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 both the cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.14/2019 registered at Police Station-Taregaon, District – Kabirdham(C.G.), for the offence punishable under Section 420 r/w 34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicant Santosh Kumar Gandharv is the Supervisor in District Co-operative Bank, Branch-Bodla, whereas applicant Bharat Bhushan is working as Manager in the same bank. There is no evidence present in the case diary against these applicants with respect to commission of crime. The main accused in this case is Ashwan Nayak, who has received the money from the beneficiaries, according to the statement given by the witnesses. Therefore, it is prayed that these applicants be benefited with grant of anticipatory bail.
4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that when Ashwan Nayak obtained signatures on withdrawal forms in the bank from the complainants, thereafter without seeking presence of account holders and without making verification, made payment was to Ashwan Nayak, because of which he has been able to defalcate the amount. Hence, they are not entitled for grant of bail.
5. Heard both the parties and perused the case diary.
6. As per prosecution case, co-accused Ashwan Nayak obtained signatures of beneficiaries, who are complainants, and has withdrawn the amount from their bank accounts. After making withdrawal, it is alleged that this applicant has made payment to the beneficiaries by

deducting Rs.41,500/- on the pretext that he has to make payment to the bank officer and others. Hence, this case.

7. After considering all the facts and circumstances of this case that is present in the case diary, it is found that main accused is co-accused Ashwan Nayak, therefore, I am of this view that all the applicants deserve to be released on anticipatory bail.
8. 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 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 her by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge