

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1309 of 2019

Siddharth Chintaman Mandwakar S/o Shri Chintaman Mandwakar, aged about 60 years R/o Maitry Vihar, Supela, Bhilai, Tahsil & District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh through the Station House Officer, police Station Berla, District Bemetara (C.G.)

---- Respondent

For Applicant	:	Mr. Rajeev Shrivastava, Advocate
For Respondent	:	Mr. Anand Verma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

17/10/2019

1. The Applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 210/2019 registered at police station Berla (C.G.) for the offence punishable under Sections 420, 409, 34 of the Indian Penal Code.
2. As per prosecution story, at the relevant time the Applicant was posted as Branch Manager at Dena Bank, Beralala. It is alleged that co-accused Rajkishore Behra and Praveer Kumar Chakravarty disbursement an amount of Rs. 30 lakhs from Dena Bank as a loan for construction of polyhouse. The loan amount was transferred in the account of one Vandana Chakravarty. Out of that Rs. 30 lakhs, 5 lakhs were transferred in the account of Rajkishore Behra. Later on, it was found that no polyhouse was constructed over the land. It is alleged

that co-accused Rajkishore and Praveen committed embezzlement of the said amount. The allegation against the Applicant is that being Branch manager, he does not physically verify that whether polyhouse has been constructed or not.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant has been falsely implicated in the present case. No offence is made out against the Applicant as per the evidence collected by the Prosecution. The crime in question was committed by other co-accused persons. There is no involvement of the present Applicant, therefore, the Applicant being branch Manager is not responsible for the alleged act committed by the co-accused persons. He prays that the Applicant may be granted benefit of anticipatory bail.
4. On the other hand, learned counsel appearing on behalf of the State opposed the bail application and submits that according to the material contained in the case diary, prima-facie the case lodged against the Applicant is made out and therefore, his bail application may be rejected.
5. I have heard counsel for the parties and perused the record.
6. Taking into consideration the submission put forth on behalf of the parties, particularly considering the alleged act has been committed by the co-accused persons not by the present Applicant, without further commenting on merit of the case, I am inclined to grant the benefit of anticipatory bail in favour of the Applicant.
7. Accordingly, this bail application is allowed.
8. It is directed that in the event of arrest, the Applicant shall be released on bail on his furnishing a bond in the sum of Rs.20,000/- with one

surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

- i. That, the accused/Applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
- ii. The accused/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. The accused/Applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. 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.

9. Certified copy, as per rules.

Sd/-

(Arvind Singh Chandel)
Judge