

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1573 of 2019

- Rajesh Kumar Sharma S/o Late Babu Ram Sharma Aged About 58 Years
R/o. Qt. No. 448, Phase-1, Behind Holly Nursery School, Raj Kishor
Nagar, Police Station - Sarkanda, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - District Magistrate, Bilaspur, District -
Bilaspur Chhattisgarh And Also Through Police Station- City Kotwali,
Bilaspur, District - Bilaspur Chhattisgarh

---- Respondent

For Applicant	: Mr. H.B. Agrawal, Senior Advocate along with Ms. Preeti Yadav, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy.G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

11/12/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 240/2019, registered at Police Station City Kotwali, Distt. Bilaspur (C.G.) for the offence punishable under Section 420 of the IPC.
2. As per prosecution story, The applicant is the manager of PNB Bank, Branch CIMS Bilaspur. Allegation against him is that without enquired the matter, he passed the loan amount of Rs. 5 lacs in favour of one Ashwani with the collusion of other co-accused person Vishwajeet Bhomik. Thus, he committed a crime of cheating.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Prima Facie no case can be made out against the applicant. Being a manager of bank, he sanctioned the loan on the basis of documents

submitted before him. The main accused is Vishwajeet Bhomik virtually who committed the crime in question. The applicant has never allured the complainant. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal 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 made themselves 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.

Sd/-

(Arvind Singh Chandel)
Judge