

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 39 of 2019

- Akash Tamrakar S/o Shiv Kumar Tamrakar, Aged About 26 Years, R/o Tamer Para, Killa Mandir Durg, Tahsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Khamtra, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Purnendra Khichariya, Advocate.

For Non-applicant/State – Shri I. Lakra, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-02-2019

1. Apprehending arrest in connection with Crime No.416/2018, registered at Police Station – Khamtra, District Raipur, Chhattisgarh for offence punishable under Section 420, 467, 468, 471, 120-B of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. Name of this applicant has appeared only in the memorandum statement given by one co-accused Sanjay Sahu and in that too it is not stated in this manner that any ATM card was given in entrustment to this applicant. This applicant has not participated in the said commission of offence. Therefore, it is prayed that he is entitled for grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that name of this applicant has appeared in the memorandum statement given by co-accused Sanjay Sahu, therefore, he shall be required in custodial interrogation. Hence, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. Co-accused Sanjay Sahu was employed as Daily Wages Employee in

C.G. State Gramin Bank Branch Bhanpuri. The ATM cards and the envelop of PIN numbers were entrusted to him by the bank, for delivering to the respective accounts holders. It is alleged that main accused Sanjay Sahu made entry in the register of the Bank as one account holder Pushpabai Sahu and by affixing forged signature obtained her ATM card and password. According to the memorandum statement given by Sanjay Sahu he handed over the ATM card with PIN number to one Golden Tamrakar and it was Golden Tamrakar who made a statement before him that he will take help of this applicant in making withdrawal from the ATM booths. Hence, this case.

6. For the reason that this applicant was not directly entrusted and whether he had helped co-accused Goldan Tamrakar or not it is not clear as the co-accused Goldan Tamrakar though has been arrested but he has not been interrogated, therefore, under these circumstances, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil