

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 654 of 2020

Kailash Prasad Agrawal S/o Late Shri Mohri Lal Agarwal, aged about 61 years, R/o Bhartiya Nager Bilaspur, P.S. Civil Line, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. P.S. Bilha, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ravindra Sharma, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

11.08.2020

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. 59/2020, registered at Police Station: Bilha, District-Bilaspur (C.G.) for the offence punishable under Section 420 & 120-B of IPC.
2. In this case, at the relevant time i.e. during 2015-2016, the Applicant was posted as Branch Manager of the Punjab National Bank, Bilha. As per the case of the prosecution, on 12.03.2019, the present Branch Manager of the Punjab National Bank, Bilha, made a written report, alleging therein that from 12.08.2015 to 15.03.2016, total 44 account holders obtained total 66 Lakhs loan amount through KCC Loan and the loan for purchasing tractors on the basis of forged documents from the said bank. It has been further alleged that the Applicant being a Branch Manager of the said Bank has sanctioned loan of Rs.66 Lakhs to those 44 account holders without verifying the facts and documents and thereby committed offence in question. On the basis of said, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that the Applicant has sanctioned the loan on the basis of search report made by the Advocate and report submitted by Field Officer. He also submits that

there is no direct allegation against the Applicant, offence is of the year 2015-2016 and the complaint has been lodged in the year 2019. He further submits that the Applicant has already retired and there is no direct allegations against the Applicant, therefore, he prays for grant of anticipatory bail to the Applicant.

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, arguments advanced by the counsel for the parties and further considering the fact that the Applicant being a Branch Manager of the Bank had sanctioned the loan amount on the basis of search report and the report submitted by the Field Officer and further considering the fact that the incident is of the year 2015-2016 and the report was lodged in the year 2019, 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. 25,000/- 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 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.

Sd/-

(Arvind Singh Chandel)
Judge