

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1810 of 2019**

- Rahul Kumar S/o Shri Murari Mohan Sinha Aged About 38 Years Occupation Bank Manager, Bank Of Baroda, Branch Akaltara, R/o Gulab Nagar Mopka, Police Station Sarkanda, Tahsil and District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, Tahsil and District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ratnesh Kumar Agrawal, Advocate.
For Respondent/State	: Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**03/01/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 816/2019 registered at Police Station Sarkanda, District – Bilaspur, (C.G.) for the offence punishable under Sections 420, 120-B of I.P.C.
2. As per the prosecution story, complainant Pavitra Sikka and his wife are the proprietor of M/s Bilaspur Casting Industries. Co-accused Vishwajit Bhaumik by inducing the complainant that he will provide him with bank loan obtained the property documents and signature on loan papers and made use of the same in collaboration of the present applicant for providing loan from the bank. It is alleged that when loan was not sanctioned then co-accused Vishwajit stopped conversation with the complainant saying that loan has not been sanctioned. The complainant came to know about the loan sanctioned amounting Rs. 68,90,000/-, when he received notice for recovery. It is further alleged that the said sanctioned amount has been deposited in the bank

account of co-accused Vishwajit and his wife. Allegation against present applicant is that at the relevant time applicant was posted as Bank Manager of the said bank. Vishwajit and present applicant made a conspiracy for sanctioning the loan amount and after sanctioning of loan amount, the same amount was deposited in the bank account of Vishwajit and his wife. On the basis of the above background, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case by the complainant. He further submits that applicant was working as Branch Manager of the bank at the time of incident. Applicant has sanctioned the loan after verifying the search report, valuation report, loan application and other relevant documents. Applicant has also verified the signature of the complainant while sanctioning the loan. *Prime facie*, no case can be made out against present applicant. Looking to the above, he may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and role played by the applicant, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also

abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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