

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2177 of 2019

Avnesh Singh Chauhan S/o Narendra Singh Chauhan aged about 38 years, R/o House No. A-89, Bada, Awas Vikas Colony, Bada, Purwa Bada (Uttar Pradesh)

Presently R/o Cashier I.C.I.C.I. Bank Baloda Bazar, District Baloda Bazaar-Bhatapara Chhattisgarh. (Now Working In Axis Bank)

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer Police Station City Kotwali, Baloda Bazaar Outpost Karhi Bazar, District Baloda Bazaar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Tarun Dansena, Advocate.
For Respondent/State	: Mr. Vimlesh Bajpayee, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/06/2020

1. The matter is heard through Video Conferencing.
2. 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. 99/2019, registered at Police Station: City Kotwali, Baloda Bazaar, Outpost: Karhi Bazar, District: Baloda-Bazaar, Bhatapara (C.G.) for the offence punishable under Section 420 of IPC.
3. In this case, the Applicant is a Branch Manager of ICICI Bank situated at Baloda-Bazaar. As per the prosecution story, the complainant namely Rajendra Kumar Bhatt is having saving account in the said bank. In the month of September, 2017, he went to the said bank to invest his money. It is alleged that the Applicant had advised him to invest the money of the complainant in one Admiral Private Limited for getting higher interest. On being asked by the complainant, the Applicant invested Rs.4 Lakhs in the Admiral Private Limited through cheque on 12.09.2017. Further case of the prosecution is that, after investment when the monthly interest was not received by the complainant, then he made a complaint. On the basis of said, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He submits that Prima Facie no case is made out against the Applicant because he is not the employee of said Admiral Private Limited. The entire case is of civil nature. From the record itself, it is clear that Rs.4 Lakhs was deposited in the ICICI Bank, therefore, alleged offence is not committed by the Applicant. Hence, it is prayed that the Applicant may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application. He submits that Rs.4 Lakhs has been deposited in the said bank account of the complainant.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and also considering the fact that the said amount of Rs.4 Lakhs was deposited in the ICICI bank, 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.
8. Accordingly, the anticipatory bail application is allowed.
9. 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