

NAFR

**HIGH COURT of CHHATTISGARH, BILASPUR****MCRCA No. 733 of 2021**

- Manishrao Kadam, aged about 40 years, S/o late Shri Ghanshyam Rao Kada, R/o Avinash Cool Homes, Pandri (Mowa) Distt. Raipur, Chhattisgarh

**-----Applicant****VERSUS**

- State of Chhattisgarh through: Police Station Madhoupura, District Raipur, Chhattisgarh

**-----Non-applicant**


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| For Applicant            | : Mr. Pragalbh Sharma, Adv. |
| For Non-applicant- State | : Mr. B.P. Banjare, Dy.G.A. |

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*(proceedings through video conferencing)***Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****10/08/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 22/2021 registered at Police Station Moudhapara District- Raipur (C.G.) for the offence punishable under Sections 419, 420 of IPC.
2. As per the case of prosecution, complainant Ajay Kumar Yadu lodged a complaint on 31.12.2019 to the SHO of police station Moudhapara, Raipur and thereafter he made written complaint to the Superintendent of Police on 10.01.2020 mentioning therein that he has opened bank account in YES bank on 11.08.2011 in the name of Maa Samleshwari Printers. At the time of opening of bank account, he submitted the KYC documents including the identification proof etc. with the bank under his signature which was verified by one Vineet. Thereafter, bank account was closed after its operation for

sometime on 25.08.2012. He received summons from the Enforcement Directorate and only thereafter he came to know that his identification proof has been misused in opening certain banks account in other name from which goods and others things have been purchased including the imported items. Based on the complaint, the police registered the crime.

3. Mr. Pragalbh Sharma, learned counsel for the applicant would submit that the applicant was posted as Branch relationship partner/ officer in the year 2011. When the complaint reached him for opening the bank account, he completed the formalities and opened the bank account which was his official obligation. The bank account was closed after some transactions by the complainant, he is not aware as to how the KYC documents placed on record by the complainant were misused in opening the account of Kanhaiya Sales. He submits that it might be the complainant himself who had opened the bank account in the name of Kanhaiya Sales and only to escape from the liability, false complaint has been lodged against him. He also submits that the even otherwise no loss is caused to the complainant and the applicant has been made scape goat. If the applicant is enlarged on bail, he will co-operate with the investigation.
4. On the other hand, Mr. B.P. Banjare, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that not only the complainant Ajay Kumar Yadu has lodged complaint of misusing his KYC documents for opening of other bank accounts from which some fraudulent transactions have been done but one Hemant Kumar Sahu has also lodged the complaint against present applicant making similar allegations. It is also pointed out that the Manager of YES bank with whom the applicant was working

has also lodged the complaint against the applicant which clearly shows prima facie involvement of applicant in the instant crime, hence, he is not entitled to extend benefit of Section 438 of CrPC.

5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegation levelled against the present applicant, the material collected by the police during the course of investigation and further that complaint of similar nature has been lodged by one Hemant Kumar Sahu and the Manager of YES bank where the applicant was posted, I am not inclined to grant anticipatory bail to the present applicant.
7. Accordingly, application is hereby dismissed.

Sd/-  
**(Parth Prateem Sahu)**  
Judge

Pawan