

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5190 of 2021

- Alok Kumar, S/o Akhilesh Kumar Verma, Aged About 36 Years, R/o B-103, Vinayak Residency, Tatiband, Raipur, Tahsil and District- Raipur, Chhattisgarh. **---- Applicant**

Versus

- The State of Chhattisgarh, Through- Police Station Amanaka, District- Raipur, Chhattisgarh. **---- Non-Applicant**

For Applicant : Mr. Parag Kotecha, Advocate

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. A.G.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

21.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 03.06.2021 in connection with Crime No. 98/2021 registered at Police Station- Amanaka, District- Raipur (C.G.) for the offence punishable under Sections 420, 467, 468 & 471 of IPC.
- 2) Case of the prosecution in brief, is that, on 30.04.2021 co-accused Suhas Harishchandra Kale, who was having account in Canara Bank where the present applicant was Branch Manager, submitted a cheque bearing number 667729 amount Rs. 72,21,000/- drawn by South Bihar Power Distribution Company Limited for transfer of the said amount in his account and subsequently the co-accused Suhas Harishcandra Kale withdrew the entire amount from his account. However,

subsequently it was revealed no such cheque was issued by South Bihar Power Distribution Company Limited and the said cheque was forged one. The allegation against the present applicant is that the aforesaid forgery and cheating was done by the co-accused in connivance with the present applicant who at the relevant time working as Branch Manager in the Canara Bank.

3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the only allegation against the present applicant is that he was working as Branch Manager in the Canara Bank, only on the basis of call details the applicant had been involved in this case and thus, he was arrested by the police. The aforesaid offence has been committed by the co-accused person, not the present applicant. As per annexure A/2, the applicant on 01.05.2021 wrote an application to the SHO, Amanaka, Raipur wherein he stated about the whole case and prayed for necessary action against the co-accused persons. Co-accused person Shahinparveen Md. Kalim has already been granted anticipatory bail by the Co-ordinate Bench of this court vide order dated 02.09.2021 in MCRCA No. 1014/2021. The applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 03.06.2021 and due to COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

4) On the other hand, learned counsel for the Non-Applicant/State

opposes the bail application.

- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, nature of allegation made against the present applicant, the fact that prior to lodging of the FIR applicant made a written complaint (Annexure A/2) to the police station Amanaka for taking necessary action against the co-accused persons, the applicant was working as branch manager in the Canara Bank, he was not aware of the fact that forged cheque was deposited in the bank, no illegal gain or benefit is shown to have been received by the applicant out of said forgery, there is also nothing to show any conspiracy between the applicant & co-accused, the fact that co-accused Shahinparveen Md. Kalim has already been granted anticipatory bail by the Co-ordinate Bench of this Court, the detention period of the applicant, who is 36 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and due to COVID-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs. 2,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on following 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,
 - (iv) he shall strictly follow the COVID-19 protocol issued by the Central Government/State

Government/Local Authority,

(v) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim