

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C (A). No. 1083 of 2021

Vishnu Prasad Sinha S/o Shri Babulal Sinha, Aged About 57 Years, R/o Shanti Chowk Shorid Nagar Dhamtari, District Dhamtari, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Police Station Narharpur, District -Kanker Chhattisgarh.

---- Respondent

For Applicant	: Mr. Avinash Chand Sahu, Advocate.
For State	: Mr. Vimlesh Bajpai, GA.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

16/09/2021

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.46/2019 registered at Police Station –Narharpur, District -Kanker, (CG), for the offence punishable under Section 420, 34, 467, 468, 471, of the Indian Penal Code.

2. Case of the prosecution, in brief, is that complainant Chitraram Netam along-with 4 others lodged written complaint mentioning therein that when Chitraram Netam went to Sahkari Samiti, Narharpur for selling of his paddy, part of his paddy was purchased by Samiti. Tilakdas Manikpuri (accountant of Samiti) and Ramkumar Netam (villager) have taken 'Rin Pustika' from Chitraram Neetam on the ground that they will sell their paddy and kept it with them. Thereafter, fraudulently got sanctioned KCC loan. They called Chitraram Neetam stating that amount of paddy sold by them has been received for which he has to sign the documents, and obtained his signature. They have withdrawn loan amount. Similar allegations have been levelled against them by other complainants. They

have fraudulently withdrawn amount of Rs.5,97,000/- of loan in name of complainants. When Chitraram Netam went to Sahkari Samiti Bank then it came to his knowledge that loan amount is outstanding in his name. He also received notice from Bank for deposit of arrears of loan amount, then he realized that Ramkumar Netam has committed cheating and forgery. In meeting of village, Ramkumar Netam has stated that he will return back said amount within one month but did not return the same. Thereafter, report was lodged, based upon which, instant crime was registered initially against Tilakdas Manikpuri and Ramkumar Netam.

3. Learned counsel for the applicant submits that applicant is continuously working on the place of his posting. Few months earlier, one Police personnel approached him and stated that one of cheque was issued under his signature being Manger of Sahkari Samiti. Documents of application of loan was prepared by Clerk alongwith other employees of Sahkari Samiti and not by present applicant. He approved said documents placed before him by other officials. In due process of official work, he relied upon the documents placed by other officials and had approved loan alongwith loan of other persons. During the course of investigation, Tilakdas Manikpuri and Ramkumar Netam were arrested on 06.0719 but no action has been taken against present applicant. Applicant is not involved in any manner in the offence as alleged in FIR. Hence, applicant may be enlarged on anticipatory bail.

4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that during the relevant period applicant was posted as Manager of Sahkari Samiti, Narharpur and cheque has been issued under his signature. Hence, involvement of

applicant is also there. Applicant is not entitled for grant of anticipatory bail. However, on putting a specific query to learned State Counsel, he submits that initially FIR was registered against Tilakdas Manikpur and Ramkumar Netam. Complainant in his complaint has mentioned that it is Tilakdas Manikpuri and Ramkumar Netam who asked him to hand over the 'Rin Pustika' (Kisan Book).

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation levelled by complainant in written report, FIR was registered against only two persons and name of applicant is not mentioned in FIR, during the course of investigation Police initially arrested Tillakdas Manikpuri and Ramkumar Netam, applicant is working as Manager in Sahkari Samiti, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions :
 - (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that 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) that applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-