

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1106 of 2021**

- Devlal Mandavi, aged about 61 years S/o Naguram Mandavi, R/o Ward no. 12, Ambagarh Chouki Police Station/ Tahsil Ambagarh Chouki, Dist. Rajnandgaon Chhattisgarh

Presently Residing at Branch Manager, Jila Sahakari Kendriya Bank, Brnach Salhewara, Tahsil Chhuikhadan Distt. Rajnandgaon Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: District Magistrate, distt. Rajnandgaon, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. B.D. Guru, Advocate with Mr. S.S. Baghel, Advocate.
For Non-applicant- State	: Mr. Vimlesh Bajpai, Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****14/09/2021**

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. 48/2017 registered at Police Station Gendatola, District- Rajnandgaon (C.G.) for the offence punishable under Section 409, 420, 467, 468, 201, 418, 419, 471 of IPC.
2. As per case of prosecution, in the year 2017, Adim Jati Seva Sahkari Samiti Maryadit, Gendatola revealed certain irregularities in issuance of KCC loan from the Bank, Branch Gendatola. Jila Sahkari Kendriya Bank initially conducted enquiry through employees of Bank namely Vijay Lal Dhruv, Kanta Prasad Tiwari and Khemlal Deshmukh. In enquiry it was found that Chandrabhan Chandravanshi who is Assistant Branch Manager had embezzled huge amount of Rs. 85,16,335.88/- out of which amount of Rs. 17,43,736/- was of KCC loan. The Branch Manager lodged FIR against Chandrabhan Chandravanshi. After completion of investigation, charge-sheet was also filed against him. Police subsequently filed an application under

Section 173(8) of CrPC seeking permission to further investigate the matter which made applicant to file application for grant of anticipatory bail. Application filed for grant of anticipatory bail before the Court below was dismissed.

3. Mr. B.D. Guru, learned counsel for the applicant would submit that report was lodged by the Bank, after conducting enquiry by three employees of the Bank namely Vijay Lal Dhruv, Kanta Prasad Tiwari and Khemlal Deshmukh. He submits that in the enquiry, allegation of misappropriation of funds is against Chandrabhan Chandravanshi, Assistant Manager of Sahkari Seva Samiti, Baigatola. In the enquiry applicant has been found to be negligent in discharging his official duty as he has not inspected the society/ Branch in due course of time properly. He submits that the SHO has written letter to the District Prosecution Officer on 09.01.2021 in which name of applicant has been mentioned to be other co-accused person. He submits that after enquiry FIR was registered. Police after due investigation has submitted charge-sheet against Chandrabhan Chandravanshi who has committed offence and the applicant has not been found to be involved in the crime at that relevant time. He submits that applicant is aged about 61 years.
4. On the other hand, Mr. Vimlesh Bajpai, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that the letter Annexure A-6 is letter written by SHO to the District Prosecution Officer only mentions that after filing of application under Section 173(8), further investigation is to be done by the police. He submits that as per the information the said application under Section 173(8) is pending consideration before the Court of competent jurisdiction till date. Apprehension made by applicant is not correct, hence, he is not entitled for benefit under Section 438 of CrPC. However, upon putting specific question with regard to allegation against applicant, he submits that in the enquiry it has come that applicant was found to be negligent in discharging of his official duties.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegations, the fact that FIR was lodged by the Bank after the enquiry conducted by the Bank itself

in which three employees were appointed as member of enquiry committee. After registration of FIR, police submitted charge-sheet after due investigation against only one person ie. Chandrabhan Chandravanshi, as also the age of applicant to be 61 years working as Branch Manager, Central Co-operative Bank, Salhewara, Rajnandgaon, without commenting anything on merits of the case, I am inclined to allow the bail application.

7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (48/2017), he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:

- (i) that the applicant shall make himself available for interrogation before the Investigation Officer as and when required;
- (ii) that the 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 the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-
(Parth Prateem Sahu)
Judge