

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1193 of 2021**

- Naval Ram Darro S/o Sonu Ram Darro aged about 55 Years R/o Village Krishtikur, Police Station Korar, District Kanker (Chhattisgarh)

-----Applicant**VERSUS**

- State of Chhattisgarh through: Station House Officer, Police Chouki Dudhava at Police Station Narharpur, District Kanker (Chhattisgarh)

-----Non-applicant

For Applicant	: Mr. Rajkumar Pali, Advocate
For Non-applicant- State	: Mr. B.L. Sahu, Panel Lawyer.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****28/09/2021**

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. 46/2019 registered at Police Chouki Dudhava at Police Station Narharpur, District- Kanker (C.G.) for the offence punishable under Section 420, 467, 468, 471, 34 of IPC.
2. As per case of prosecution, complainant Chamar Singh Netam along with four others lodged a report mentioning therein that when complainants went for sale of paddy, at paddy purchase centre of Adim Jati Seva Sahkari Samiti, Dudhava have sold less paddy than the quantity fixed in their *rin pushtika* (kisan book). Ramkumar Netam and Tilak Das Manikpuri (accountant) who were present at the centre asked them to hand over their *rin pushtika* so that they can sell paddy on their account. Relying upon the statement, complainants handed over their *rin pushtia* to Tilak Das Manikpuri and Ramkumar Netam. When Chamar Singh Netam went to Co-operative Bank at that time it came to his knowledge that loan amount in the name of complainants (KCC loan) was withdrawn. From this, it came to knowledge of complainant that Ramkumar Netam and Tilakdas

Manikpur have cheated him. He approached to Ramkumar Netam and organized village meeting. In the meeting Ramkumar Netam stated that he would return back the loan amount but has not returned the same and thereafter report was lodged. Based on it aforementioned crime is registered against five accused persons including present applicant.

3. Mr. R.K. Pali, learned counsel for the applicant would submit that applicant was working as Lamps Manager and posted at Adim Jati Seva Sahkari Samiti, Dudhava at that relevant time. Applications for grant of KCC loan are to be accepted and prepared by the Clerk and other employees of Seva Sahkari Samiti and role of applicant is to consider the applications and details forwarded to him by the employees of Co-operative society and to issue cheques in their name. Applicant is not involved in any manner in commission of crime. He further submits that from the contents of complaint and statement recorded under 161 of CrPC of complainant, it is evident that after sanction of loan, Tilkadas Manikpuri and Ramkumar Netam called the complainants for signing the document stating that they want to withdraw the amount received in their account of sale of paddy which shows that the involvement in commission of crime is specifically against Ramkumar Netam and Tilakdas Manikpuri. He further pointed out that the co-accused Vishnu Prasad Sinha who also worked as Lamps Manager, has been enlarged on anticipatory bail in MCRCA No. 1083/2021 and the case of present applicant is also on similar footings, hence, he may be enlarged on anticipatory bail.
4. On the other hand, Mr. B.L. Sahu, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that cheque is issued under seal and signature of applicant, he being the Manager of Adim Jati Seva Sahkari Samiti, Dudhava, hence, there is prima facie involvement of applicant in the crime. However, he does not dispute that the main allegations levelled by the complainant in their complaint is against Ramkumar Netam and Tilakdas Manikpuri.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegations, facts and

circumstances of the case, contents of complaint and statement of complainant recorded under Section 161 of CrPC and further that the co-accused Vishnu Prasad Sinha, who at that relevant time was also working as Lamps Manager, Adim Jati Seva Sahkari Samiti, has been enlarged on anticipatory bail, 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 (46/2019), 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