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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1246 of 2021**

- Khaleel Ahmed Quereshi, S/o Jameel Ahmed Quereshi, aged about 66 Years, R/o Village and Post Gendatola, Police Station Gendatola, Tehsil Chhuriya, District Rajnandgaon, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Gendatola, District Rajnandgaon, Chhattisgarh.

----Non-applicant

For Applicant	Shri S.S. Baghel, Advocate.
For State	Shri B.P. Banjare, Deputy Government Advocate.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

05/10/2021

1. Applicant has preferred this application under Section 438 of Cr.P.C 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. S.S. Baghel, learned counsel for the applicant would submit that after detecting financial irregularities in Adim Jati Sewa Sahakari Samiti Maryadit, Gendatola, Branch Manager of the Zila Sahakari Kendria Bank Maryadit Rajnandgaon has conducted internal enquiry by constituting three members committee of Vijay Lal Dhruv, Kanta Prasad Tiwari and Khemlal Deshmukh. After conclusion of the enquiry, the enquiry committee submitted its report with a finding that Chandrabhan Chandravanshi, Assistant Manager of Sahakari Seva Samiti, Gendatola has committed the crime of misappropriation of funds. He also submits that in the enquiry report, the allegation against the applicant and one Devlal Mandavi is that they were negligent in performing their duties. Based on the enquiry report, first information report was lodged against Chandrabhan Chandravanshi, Assistant Manager. After completion of the investigation, charge sheet was filed and the trial is pending before the Court of competent jurisdiction. During the pendency of the trial, the prosecution has submitted an application under Section 173(8) of Cr.P.C. which made the applicant to approach the Court for grant of anticipatory bail which was rejected. He submits that the applicant, superannuated from his services in the year 2017, is an old person of 66 years. In the

internal enquiry report, there is no allegation of involvement of the applicant in misappropriation of funds, hence, the applicant may be enlarged on anticipatory bail. He submits that applicant will cooperate with the investigation and appear before the police as and when called by the Investigating Agency. Lastly, he submits that Devlal Mandavi, who was also working as Supervisor has already been granted anticipatory bail by this Court in MCRCA No.1106 of 2021 vide order dated 14.09.2021.

4. Mr. B.P. Banjare, learned State counsel opposing the submissions made by learned counsel for the applicant submits that the applicant has approached the Court by way of filing an application for grant of anticipatory bail merely on the basis of filing of an application under Section 173(8) of Cr.P.C. by the prosecution. He submits that as per the material available in the case diary, the period of commission of crime of misappropriation of funds is of 01.04.2011 to 21.03.2017 when the applicant was posted as Supervisor with the Bank. Hence, the applicant is not entitled for grant of anticipatory bail. However, he does not dispute the submission of learned counsel for the applicant that in the internal enquiry, the enquiry committee constituted by the Bank has held that it is the Assistant Manager of the Samiti i.e. Chandrabhan Chandravanshi who has committed the alleged crime.

5. I have heard learned counsel for the respective parties.

6. Taking into consideration the nature of allegations, the fact that the Bank before lodging the report have conducted the internal enquiry by three members committee in which it is reported that Assistant Manager

of the Samiti Chandrabhan Chandravanshi has embezzled the funds and there is no mention of any other person involved in the commission of the crime, the applicant superannuated from services in the year 2017, charge sheet was already filed against Chandrabhan Chandravanshi, 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