

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 6387 of 2020

Chaitanya Kunkal

--- --- Petitioner

Versus

The State of Jharkhand

--- --- Opposite Party

CORAM: Hon'ble Mr. Justice Aparesh Kumar Singh

Through: Video Conferencing

For the Petitioner : Mr. Indrajit Sinha, Advocate
For the State : Mr. Vijay Kumar Sinha, A.P.P.

2/18.12.2020 Learned counsel for the petitioner undertakes to remove the following defects within 1 week after reopening of winter vacation in January, 2021.

- (i) P.S. Case name may be corrected at para-1 and prayer.
- (ii) Fairly legible copy of page 26,27,34,35,44,47 or type copy duly certified to be true may be filed.
- (iii) Fairly legible copy of page 48 duly certified to be true may be filed.

Heard learned counsel for the petitioner and learned A.P.P for the State.

Petitioner seeks anticipatory bail in terms of Section 438 of Cr.P.C in connection with Sukhdeonagar P.S. Case No. 17 of 2015, corresponding to G.R No. 5710 of 2015 instituted under Sections 420,406,467,468,471,120(B)/34 of Indian Penal Code, pending in the court of Judicial Magistrate, Ranchi.

Learned counsel for the petitioner submits that F.I.R was instituted in 2015 on the basis of an enquiry conducted by the Bank itself on the allegation of disbursement of loan on the basis of fake sale deed deposited as mortgaged documents. Petitioner was the Branch Manager of the Central Bank of India, Piska More Branch, Ranchi at the relevant point of time. Learned counsel for the petitioner submits that the alleged forgery in the sale deed submitted as collateral security have not been committed by the petitioner in his capacity as the Branch Manager. The documents were submitted by the borrowers and upon which, procedural enquiry through the Bank by panel lawyer and valuer were undertaken. The borrower and their guarantors have been granted anticipatory bail, namely, Ashutosh Malviya, Rudranayaran Malviya, Anurag Malviya, Ramashray Singh by learned Sessions Court in A.B.P. No. 1494/2016 on 25.04.2017, A.B.P. No. 31/2016 dated 30.05.2016 and A.B.P. No. 572 of 2016 dated 6.9.2017 respectively as they have been repaying the loan. Petitioner is now about 70 years old and would be subjected to unnecessary incarceration, if not protected by granting him anticipatory bail. Relying upon the decision in the case **Sheila Sebastian Vs. R. Jawaharaj and another** reported in **(2018) 7 SCC 581**, learned counsel for the petitioner submits that charges of forgery should not be levelled against the petitioner, who is not the maker of forged document in question. Therefore, petitioner may be granted anticipatory bail.

Learned A.P.P. for the State has opposed the prayer. He submits that the allegations relate to cheating of public money from the financial institution on the basis of forged document and the petitioner was the Branch Manager of the concerned Bank when the loan amount were disbursed.

I have considered the submissions of learned counsel for the parties and taken into account the facts and circumstances above. It appears that borrower named above and his guarantors have been granted anticipatory bail by the learned Sessions Court. It further appears that main allegation of forgery is upon the persons who have executed the sale deed which was submitted as mortgaged document before the Bank for obtaining loan on which, opinion of panel lawyer of the Bank and the valuer were obtained as per Annexure- 2 & 3.

Having considered the aforesaid facts and circumstances, I am inclined to grant the privilege of anticipatory bail to this petitioner. Accordingly, petitioner above named, in the event of his surrender or arrest within a period of 4 weeks, shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate at Ranchi in connection with Sukhdeonagar P. S. Case No. 17 of 2015, corresponding to G. R. No. 5710 of 2015, subject to the condition as laid down under Section 438(2) of Cr.P.C. Petitioner shall cooperate in the investigation. Petitioner and his bailors shall not change their address or mobile phone number without permission of the trial court.

(Aparesh Kumar Singh, J)

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