

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1013 /2015

Rohit Patel, S/o. Jagat Ram Patel, Aged About 38 Years, R/o. Village Pirda, Police Station Basna, Tahsil Pithora, Post Pithora, Civil & Revenue Distt. Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: Police Station Basna, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate

For Respondent : Mr. O.P.Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/11/2015

1. Apprehending arrest in connection with Crime No.182/2015 registered at Police Station- Basna, District Mahasamund (C.G.) for the offence punishable under Sections 420 of the Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, in brief, the applicant was working as Manager of Gramin Seva Sahakari Samiti Pirda. It is alleged that in the year 2012-2013 & 2013-2014 during his tenure, the applicant has not deposited the amount of sale of paddy and has misappropriated an amount of Rs. 1,29,13,760/- and thereby the offence has been registered.
3. Learned counsel for the applicant submits that the applicant was initially suspended on 13.09.2014 and subsequently on 07.10.2014 he was removed from his service. He submits that the recovery proceeding of the amount has already been initiated by the Society and the matter is pending wherein the amount of loss has to be

ascertained. He further submits that the applicant has deposited the entire amount and therefore, he may be granted the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Having regard to the fact that the investigation is still going on wherein the quantum of loss caused is still to be ascertained and considering the documents and evidence so far collected by the prosecution, I am not inclined to grant anticipatory bail to the applicant, as perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required. Consequently, I am not inclined to allow the application.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge