

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1146 of 2015

1. Ram Dayal Sahu, aged about 53 years, S/o. Late Ram Charitra Sahu, Caste-Teli, Occupation-Service, R/o. Patthalgoan, Police – Station – Patthalgoan, District Jashpur (C.G.), Present address-Block Education Officer, Sitapur, District Surguja (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station – Kamleshwarpur, District – Surguja (C.G.)

---- Respondent

For Applicant	: Mr. Chandresh Shrivastava, Advocate
For Respondent/State	: Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/11/2015

1. Apprehending arrest in connection with Crime No.45/2015 registered at Police Station- Kamleshwarpur, District - Surguja, for offence punishable under Section 420, 467, 468, 471, 34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicant, who was working as Chief Executive Officer, Janpad Panchayat Mainpat issued certain cheques in the name of Rajmohani Samaj Sevi Sansthaan, Ambikapur of Rs.50,000/- but the same was interpolated and made it to Rs.4,50,000/- and Rs.3,50,000/- and subsequently when three cheques were being interpolated, it was came to the knowledge of the applicant, he cancelled the same, thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant, who was working as Chief Executive Officer, the cheques were being used which were being interpolated by Rajmohani Samaj

Sevi Sansthaan and the amount has been withdrawn and the applicant has not committed any criminality. He would further submit that the enquiry having been conducted, it was found that the interpolation in the cheque has been committed by the Rajmohani Samaj Sevi Sansthaan and not by the applicant and only allegations against the applicant is that he got contract employee for and he should not handed over such work to the contract employee, therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the bail.
5. I have gone through the case diary. Perusal of the case diary would show that certain cheques were issued by the applicant being a Chief Executive Officer to the Rajmohani Samaj Sevi Sansthaan, Ambikapur and the register entry shows that the cheque was of Rs.50,000/-, however it was interpolated. Enquiry report is also perused, whereby the allegation of interpolation is only attributed to the Rajmohani Samaj Sevi Sansthaan and the official dereliction of duties has been projected to the applicant, considering the role played and after perusal of the enquiry report, this Court is inclined to extend the benefit of anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram