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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 408 of 2015**

- Jairam Sahu, aged about 45 years, Son of Mukund Sahu, Caste- Kolta, R/o Village Jabalpur, Post Patharia, P.S. Basna, District Mahasamund, (CG)

---- Applicant**Versus**

- State of Chhattisgarh, through: The Station House Officer, P.S. Basna, District Mahasamund, (CG)

---- Non-applicant

For Applicant : Shri R. Pradhan, Advocate.
For Non-Applicant : Shri Ashish Shukla, Govt. Advocate.

Hon'ble The Vacation Judge**Order On Board****18/05/2015**

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.217/2014, registered in Police Station Basna, District Mahasamund, for offences punishable under Sections 420 and 409 of the IPC.
2. Applicant is the centre In-charge of the Paddy Procurement Centre, Pathrela, Block Basna, District Mahasamund. The allegation made against him and co-accused Damodar – the Computer Operator of the society, is that they committed misappropriation of 510 bags of paddy equal to 204 quintals valued at Rs.2,69, 060/- inasmuch as having purchased the said quantity of paddy, they did not account for the same and it was found short during physical verification.
3. Learned counsel for the applicant would submit that co-accused Damodar has already been extended the benefit of Section 438 of the CrPC vide

order dated 13.10.2014 passed in MCrC(A) No.823/2014, therefore, the applicant may also be granted the same benefit.

4. Learned State counsel would submit that the case of co-accused Damodar is distinguishable, therefore, the applicant is not entitled for anticipatory bail.
5. Perusal of the order passed in the case of co-accused Damodar and the enquiry report submitted before the Collector would reveal that in the enquiry, both the accused persons were jointly found responsible for misappropriation.
6. Considering the order passed by this Court in M.Cr.C. (A) No.823/2014, this Court is inclined to extend the benefit of Section 438 CrPC to the applicant herein also.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

(i) he shall make himself available for interrogation by a police officer as and when required;

(ii) he 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 from disclosing such facts to the Court or to any police officer.

J U D G E

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