

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1031 /2015

D.R.Sahu (Dayaluram Sahu), S/o. Shri Jagdish Ram Sahu, Aged about 62 years, R/o. L.I.G. 328, Padmanabhpur, Durg, Tahsil & District Durg (C.G.).

---- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station- City Kotwali, District Durg (C.G.).

---- Respondent

For Applicant : Mr. Manish Upadhyay, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/10/2015

1. Apprehending arrest in connection with Crime No.540/2015 registered at Police Station- City Kotwali, Durg, District Durg (C.G.) for the offence punishable under Section 408 & 409 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, when the applicant was C.E.O. of the District Cooperative Central Bank Limited, Durg, had issued different cheques to the different cooperative societies wherein the election was to be conducted numbering as many as 182. Thereafter, when the report was made, an enquiry was conducted and on enquiry, it was found that misappropriation of fund has been made even where the election was held and where the unanimous elections were conducted, therefore, after a detailed enquiry by a six members team, the offence was registered.
3. Learned counsel for the applicant submits that the enquiry which has been held has been denied by the senior officer and there is no report made by any of the cooperative society about misappropriation. Consequently, it cannot be held that the applicant has misappropriated the amount. Therefore, he may be enlarged on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perusal of the case diary would show that a detailed enquiry was conducted and the applicant was in charge to get the election done in the cooperative society and on preliminary enquiry, it was found that even wherein the election was uncontested there also the pomplets were printed. It was also found that the printing of the ballet papers at Durg, expenses were made from Rs. 4 to 21 wherein at Raipur & Rajnandgaon, the expenses of printing was Rs.1 to 2. It is further stated that 2400 stamp pad was also purchased, likewise the other facts were also found by the committee. Therefore, taking into account the nature of offence, 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.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge