

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 45 /2016

Mangetar Ram Paikra, S/o. Gudduram Paikra, Aged About 61 Years, R/o. Village Kukurikala, Post, Tahsil & Police Station Batauli, District Sarguja, Chhattisgarh. Presently resided at deprived from Deputy Registrar Bilaigarh, Police Station Bilaigarh, District Baloda Bazar - Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, Police Station Bilaigarh, District Baloda Bazar - Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.K.Guha, Advocate

For Respondent : Mr. Gary Mukhopadhyay, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/02/2016

1. Apprehending arrest in connection with Crime No.36/2014 registered at Police Station- Bilaigarh, District Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Sections 409/34 of 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, the applicant was working as Deputy Registrar and from 19.10.2012 to 22.07.2013 an amount of Rs.27,50,427/- which was paid as registration fees for registration of the documents was not deposited by the applicant in the Government Treasury though it was paid by the parties. Consequently, he made misappropriation while discharging the job of the Deputy-Registrar at Bilaigarh.
3. Learned counsel for the applicant submits that the applicant is suffering with ailment and because of such fact, he was not able to perform the duty and go to office and he was all dependent on the

Peon who has actually made the misappropriation and therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the documents. Taking into fact *prima facie* it appears that the applicant who in discharge of the official duties has misappropriated the amount and considering the evidence available, I am not inclined to enlarge the applicant on anticipatory bail, as perusal of the case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required.
6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge