

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 162 of 2016

Purushottam Prasad Tiwari S/o Late Bholaram Tiwari Aged About 56 Years Caste Brahman, Occupation Assistant Grade-1, Assistant Superintendent, Office Of Women & Child Development Department Bagicha, R/o Bagicha, Police Station Bagicha, District Jashpur, Civil And Rev. Distt. Jashpur Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station Bagicha, District Jashpur Chhattisgarh.

---- Respondent

For applicant – Shri A.K. Prasad, Advocate.
For Respondent/State –Shri Anil S. Pandey, G.A

Hon'ble Shri Justice Goutam Bhaduri

Order

15/03/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 208/2015 registered at Police Station Bagicha, District-Jashpur, Chhattisgarh for offence punishable under Sections 409, 467 and 468 of Indian Penal Code.

2. As per the prosecution case, applicant was posted as Assistant Grade-I, In-charge of Women and Child Development Department Bagicha. In between period of 2010 to 2014 an amount of Rs.95,88,039/- has been misappropriated by the applicant which was of the government fund. Thereby offence has been committed.

3. Learned counsel for the applicant submits that only mistake which has been committed by the applicant that he opened an account in his name and not in the name of the government department and the entire money and the voucher were paid to the respective parties which was found correct in preliminary enquiry and no amount has been misappropriated. Therefore, taking fact it is act done may be of procedural default but no criminality can be attributed. Therefore the applicant may be granted benefit of anticipatory

bail.

4. Learned State counsel opposes the prayer for grant of bail and submits that as per statement of Shri T.K. Jatvar, District Integrated Child Development Officer amount has been misappropriated as there has been several vouchers were also missing that of expenditure.

5. I have perused the case diary and the document. Prima facie it appears serious allegation of misappropriation of Rs.95,88,039/- have been levelled against the applicant which is primarily supported by witness T.K. Jatvar. Taking into such degree of allegation, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE