

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 306 of 2016

1. Naresh Kumar Ekka, aged about 24 years, S/o. Karam Lal Ekka, caste-uraon, Constable No. 189 Jangalwar College, Kanker, R/o. Dakai Darkona, Police Station Lundra, Tahsil Lundra, District Surguja (C.G.)

2. Madhav Singh Yadav, aged about 25 years, S/o. Shri Tulsiram Yadav, Caste- Ahir, Constable No. 133, Jangalwar College, Kanker, R/o. Sengai, Police Station Mathsena, Tahsil and District Firojabad (U.P.)

---- Applicants

Versus

State of Chhattisgarh Through – Station House Officer, Police Station Kanker, District Kanker (C.G.)

---- Respondent

For Applicants	:-	Mr. Sandeep Yadav, Advocate
For Respondent/State	:-	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04/04/2016

1. Apprehending in connection with Crime No 418/2015 registered at Police Station- Kanker, District Kanker (C.G.) for the offence punishable under section 409/34 of Indian Penal Code. The applicants have preferred this application for grant of anticipatory bail.

2. According to the case of the prosecution, a letter was served to CTJW College Canteen that from 01.07.2013 to 10.10.2015 a supply of Rs. 1,38,74, 640/- was made from Master Canteen. As against that only Rs. 1,16, 33, 072/- was paid. Therefore, total amount of Rs. 23,79,609/-

was not accounted for and the applicant along with other co-accused have been alleged that they have misappropriated the amount and not paid the amount to the Master Canteen.

3. Learned counsel for the applicants submits that both the applicants are the labours and they are not the in-charge to receive the amount at any point of time and Bihari Lal Napit was the in-charge of the Canteen. He further submits that the physical control of the Canteen was under Bihari Lal Napit and he received the amount and has admitted his guilt. He further submits that the other co-accused person namely Vijay Pradhan has already been granted bail by this High Court in M.Cr.C.A No. 79 of 2016 on 19.02.2016 and the applicants may be given the benefit of anticipatory bail on the ground of parity.

4. Per contra, State counsel opposes the prayer for grant of bail and submits that the applicants were assisted to Bihari Lal Napit and they have not informed to his higher authority about the misconduct of Bihari Lal Napit, therefore, they should not be given the benefit of anticipatory bail.

5. Perused the case diary and the enquiry report. Reading of the enquiry report prima-facie shows that there has been defalcation of the duty and the document and admission of Biharilal contents that he wants to make good the amount. Therefore, taking into charge of allegation against these applicants, I am inclined to release the applicants on anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed.

7. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by

the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE