

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1356 of 2015

1. Gautam Prasad Vaishnav, S/o. Shri Narayan Vaishnav, aged about 62 years, Collection Center In-charge Hardi/T.C.P.C., Sarangarh, P.S.-Sarangarh, District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station - Sarangarh, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/02/2016

1. Apprehending arrest in connection with Crime No.499/2015 registered at Police Station- Sarangarh, District – Raigarh (C.G.), for offence punishable under Section 408 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicant was posted as In-charge of paddy procurement centre Hardi and Sarangarh and certain Tarpolin which was used for cover was sent from Hardi to Kisan Rice Mill, which are under Sarangarh Center, the applicant who was the in-charge issued gate-pass of Hardi for Kisan rice mill, but it do not reach to Kisan rice mill and in the way, they were diverted and were sold.
3. Learned counsel for the applicant would submit that initially one Lokeshwar Tethwar was incharge who had not given the charge of Tarpolin for which the communication was made by earlier persons by letter dated 14.01.2015, 09.06.2015 and the applicant took the charge on 19.06.2015. He would further submit that the applicant while taking charge has stated that he was not given the charge of

Jute Bag and Cap cover, which would be evident from taking charge of dated 19.06.2015, wherein categorically stated that he was not given the charge of jute bag and cap cover, therefore, he submits that the cap cover were being taken away at the behest of someone else and the applicant has been falsely implicated in this case, therefore, the counsel prays that, the applicant may be extended the benefit of anticipatory bail.

4. On the other hand, learned State counsel opposes the bail application and would submit that as per the statement of Radheshyam Baghmore, the goods were taken at the instance of the applicant, therefore, he prays that the applicant may not be released on anticipatory bail.
5. Perused the case diary and the documents filed by the applicant, which shows that the applicant has not taken the charge of the bags and on the oral instruction, the applicant is inculpated. BUILTY also do not appear the signature and the applicant is retired persons. Taking into the fact the role played by the applicant, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;

- (ii) that the applicant 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/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge