

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 220 of 2016

Mangetar Ram Paikra, S/o. Gudduram Paikra, aged about 61 years, R/o. Village Kukurikala, Post- Tahsil and Police Station Batauli, District Surguja (C.G.) Presently resided at deprived from Deputy Registrar Bilaigarh, P.S. Bilaigarh, District Balodabazar, Bhatapara (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Balaigarh District Balodabazar, Bhatapara (C.G.)

---- Respondent

For Applicants	:-	Mr. Dashrath Prajapati, Advocate
For Respondent/State	:-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18/03/2016

1. This is the second bail application filed under section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant. The first bail application of the applicant was rejected on merit vide order dated 11.02.2016 in M.Cr.C. A No. 45/2016.
2. Apprehending arrest in connection with Crime No 36/2014 registered at Police Station- Bilaigarh, Civil and Revenue District Balodabazar, Bhatapara (C.G.) for the offence punishable under sections 409/34 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.

3. 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.

4. Counsel for the applicant submits that since there was some misunderstanding happened and the entire amount of Rs. 27,18,931/- was accounted for by the applicant. He further submits that the offence was not committed and because of some miscalculation of wrong entry such report was made, therefore, the applicant may be given the benefit of anticipatory bail.

5. State counsel was directed to verify the fact as to whether the such amount has been deposited or not. On the instruction, the State Counsel submits that the entire amount has been deposited.

6. Perused the case diary and the documents along-with copy of challan whereby an amount of Rs. 27,18,931/- has been deposited by the applicant in the Treasury. Taking into such fact, the entire amount has already been made good, therefore, considering the back ground of the case and the development which took place, this Court is of the opinion that the present is a fit case, where the applicant should be enlarged on anticipatory bail.

7. 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 them 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 applicants 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 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) the applicant 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

Santosh