

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 79 /2016

Vijay Pradhan, S/o. Pardeshi Ram Pradhan, Aged About 45 Years, By
Caste Pradhan, R/o. Manvapali, Raigarh, Chakradhar Nagar, Raigarh,
District – Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through - Station House Officer, Police Station
Kanker, District - Uttar Bastar, Kanker, Chhattisgarh

---- Respondent

For Applicant : Mr. Ashok Kumar Swarnakar, Advocate.

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/02/2016

1. Apprehending arrest in connection with Crime No.418/2015 registered at Police Station- Kanker, District Uttar Bastar, Kanker (C.G.) for the offence punishable under Section 409 read with Section 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. 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 applicant submits that the applicant was not in-charge of the Canteen and one Biharilal Napit was the in-

charge of the Canteen. He referred to Annexure A-7 and submits that the actual and physical control of the Canteen was of Biharilal and he received the amount and he has admitted his guilt by Annexure A-5. Learned counsel further submits that the applicant may have committed negligence in the duties but it may not lead to any criminality as he failed to check the working of the Canteen in-charge periodically; therefore, considering the fact that the applicant was not in-charge of the Canteen, he may be given the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant 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 this applicant, I am inclined to release the applicant on anticipatory bail.
6. Accordingly, the anticipatory bail application is allowed.
7. 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 furnishing a personal bond to a 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

Ashok