

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1299 of 2015**

Biharilal Napit S/o Shri Babulal Napit Aged About 37 Years Officer
Address, Commandant C T J W College Colony Quarter No. H-
14/4, Kanker Thana, Tahsil And Distt. U.B. Kanker Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kanker, Distt. U.B.
Kanker Chhattisgarh.

---- Respondent

For applicant – Shri Parag Kotecha Advocate.

For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****7/01/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.418 of 2015, registered at Police Station Kanker for offence punishable under Section 409 read with 34 of Indian Penal Code.
2. According to the case of prosecution a letter was served to CTJW College Canteen that from 1/07/2013 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 applicant took charge of the canteen on 21/08/2014 and letter so issued by Master Canteen was prior to that, therefore it cannot be stated that goods were supplied at the time applicant was posted in the canteen. He submits that one Vijay Pradhan was In-charge of the canteen and this applicant cannot

be held liable and he submits that from 4/05/2015 to 4/08/2015 he was posted as In-charge Training Branch, therefore entire allegation cannot be attributed to this applicant, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail and submits that during his tenure he was In-charge, therefore it cannot be stated that applicant was not at all involved in the crime. He submits that for some part of it applicant was In-charge cannot absolve its liability.

5. I have perused the case diary which contains enquiry report and on detailed enquiry it is found that applicant was liable to make good the amount. Prima facie therefore taking into account enquiry report, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE