

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 596 of 2016**

- Mithlesh Sahu S/o Ramprasad Sahu Aged About 32 Years
Assistant Teacher Panchayat, Posted At Primary School Tohdi, R/o
Village Temri Police Station House Nandghat Tahsil Nawagarh
District Bemetara, Civil & Revenue District Bemetara Chhattisgarh.
--- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer Nandghat
Police Station Nandghat District Bemetara Chhattisgarh.
--- **Respondent**

For Applicant : Mr. Ashok Verma with Mr. Gajendra
Sahu, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****04-08-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 82 of 2016 registered at Police Station Nandghat, District Bemetara (CG) for offence punishable under Sections 409 & 420/34 of the IPC.
2. As per the prosecution case, a report was made by the Branch Manager of State Bank of India, Temri Branch against earlier Branch Manager that certain amount for crop insurance which came to the Branch, the former Branch Manager Buddhi Prakash Bangade transferred it to the different account holder and thereafter withdrew the same on the basis of withdrawal form signed by the account holder and benefited himself to the extent of Rs.18,59,741/- and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant is a teacher and he was not the beneficiary. It is further

submitted that though the amount came into the account but it was withdrawn by the earlier Branch Manager and the entire crop loan has been usurped by him. He would further submit similarly placed other co-accused has been extended the benefit of anticipatory bail vide order dated 29.07.2016 passed by this Court in M.Cr.C.(A) No. 531 of 2016, therefore, the present applicant may also be extended the benefit of anticipatory bail on the ground of parity.

4. Learned State counsel opposes the prayer for grant of anticipatory bail, however, he does not dispute the fact that similarly placed other co-accused has been extended the benefit of anticipatory bail.
5. I have heard learned counsel for the parties and perused the case diary and documents.
6. Considering the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that similarly placed other co-accused has been extended the benefit of anticipatory bail, I am inclined to extend the benefit of anticipatory bail to the applicant.
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 him on his executing a personal bond in the sum of Rs.25,000/- with one local 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) 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

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