

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 881 /2016

Ayodhya Prasad Patle, S/o. Shri Late Santan Patle, Aged About 57 Years,
R/o. Village Farsabahar, Thana & Tahsil Farsabahar, District Jashpur,
Civil & Revenue District Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Farsabahar, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Chouhan, Advocate.

For Respondent : Ms. Shobha Kashyap, Panel Lawyer .

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/09/2016

1. Apprehending arrest in connection with Crime No.74/2016 registered at Police Station- Farsabahar, District Jashpur (C.G.) for the offence punishable under Sections 409, 420, 467, 468 & 471 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. As per the prosecution case, a report was made against the applicant by one Mansukh Sai who is the Janpad Member, Farsabahar, to the Collector that the applicant who was working as Agriculture Development Officer at Farsabahar in compliance of Aatma Yojna of the State wherein 27 agriculturists were benefited to travel to different destination, 18 agriculturists were taken and rest of some other people were taken for such travel, thereby the applicant has misused the amount and Rs.32,000/- has been usurped.
3. Learned counsel for the applicant would submit that out of 27 agriculturists, 18 agriculturists were traveled and they traveled in three Cars and three Drivers were taken and three Staff of Aatma

Project were also taken and as alleged forged agriculturists were taken is completely false and had there been any intention to usurp the amount out of the sanction amount of Rs.80,000/-, the entire amount would show to have been used whereas the applicant has shown the expenses of Rs.54,000/-. Therefore, the applicant being a government employee may be given the benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the documents. Considering the nature of offence and degree of allegation as it is alleged that Rs.32,000/- has been misappropriated and further considering the fact that the applicant is a government servant and it appears that no custodial interrogation is required as all the documents are available, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
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 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.

Sd/-
(Goutam Bhaduri)
Judge

Ashok