

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1104 of 2016**

1. Manindra Singh Thakur, aged 35 years, S/o. Mahendra Singh Thakur, R/o. Chantapara, Tilak Nagar, Thana Civil Line, Civil and Revenue District – Bilaspur (C.G.)

----Applicant

**Versus**

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Koni, District – Bilaspur (C.G.)

---- Respondent

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| For Applicant        | : Dr. N.K. Shukla, Sr. Advocate with<br>Mr. Shiv Shankar Tiwari, Advocate |
| For Respondent/State | : Mr. Anil S. Pandey, Govt. Advocate                                      |

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****23/12/2016**

1. Apprehending arrest in connection with Crime No.37/2016 registered at Police Station- Koni, District – Bilaspur (C.G.), for offence punishable under Section 409, 406, 408 and 120 (B) of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicant who was the President of Sewa Sahkari Samiti Semartal in connivance with other office bearers has withdrawn total amount of Rs.61.00 Lakhs at different point of time and without making entry in the cash register, embezzled the amount. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant was working as President and it was not a duty of the President to make the entry and if the entry was not made it would be very difficult for the President to trace the same that how much amount

was withdrawn, therefore, the applicant has not committed any offence. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, learned counsel for the State opposes the bail application and submits that the applicant, who are President and Incharge to take care of the amount and follow the expenses. It is further submitted that the applicant is absconding, therefore, he may not be enlarged on anticipatory bail.
5. I have heard the learned counsel for the parties.
6. Perused the case diary and the documents. Charge-sheet in this case has been filed. Considering the facts and circumstances of the case, the applicant was President of Seva Sahkari Samiti, Semartal after withdrawal of amount from the bank, the same was not accounted for and the joint allegations have been attributed. Taking into such facts and the fact that the applicant is absconding, it is not a case, where the benefit of Section 438 of Cr.P.C. can be extended to the applicant as it can not be stated that custodial interrogation of the applicant may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is dismissed.
8. However, it is observed that, if the applicant, so advised, may surrender and apply for regular bail before the concerned trial Court. On such application being filed, the concerned trial Court shall consider and decide the same on merits as early as possible preferably on the same day.

**Sd/-**  
**(Goutam Bhaduri)**  
Judge