

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1187 of 2016

- Kamal Narayan Singh (Baghel) S/o Late Ishwari Singh, Aged About 52 Years R/o Village Bagtarai, Police Station Lalbagh, Tahsil & District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Ganj, District Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Shivendu Pandya, Advocate.

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-01-2017

1. Apprehending arrest in connection with Crime No. 712 of 1990, registered at Police Station Ganj, District Raipur (CG), for the offence punishable under Sections 409 and 421 of the IPC, the applicant has preferred the application under Section 438 of the Cr.P.C, for grant of anticipatory bail.
2. As per case of the prosecution, a report was made by the President, Thok Upbhokta Sahakari Bandar Maryadit, Raipur that the applicant who was the Salesman in the said depot, has not not deposited an amount of Rs.19,635/- which was found deficient in the stock. The incident happened in the year 1989-1990.
3. Learned counsel appearing for the applicant would submit that initially notice was given to the applicant on 26-5-1989 as per Annexure A/2 whereby an amount of Rs.15,358.20 was claimed. Subsequently, as per

Annexure A/3, an amount of Rs.19,006.35 was deposited by the applicant in the year 1992, therefore, present applicant may be extended the benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties and also perused the case diary and documents.
6. Perused the documents (Annexure A/2 and Annexure A/3). The incident is of 26 years old. It appears that the entire amount was deposited by the applicant which was claimed.
7. Taking into consideration all the facts and circumstances of the case, considering both the documents (Annexure A/2 and Annexure A/3) and further considering the time lapse in this case, I am of the considered opinion prima facie that it is a fit case where the benefit of anticipatory can be extended to the applicant.
8. 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

Raju