

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1424 of 2016**

- Phool Chand Chakradhari S/o Jai Mangal Chakradhari, Aged About 40 Years, Caste Kumhar, R/o Village- BachraPodi, Police Station And Tehsil- Khadgawan, District- Korea Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through- Police Station- Khadgawan, District- Korea Chhattisgarh.

---- Respondent

For Applicant	Mr. Pawan Shrivastava, Advocate
For Respondent /State	Mr. Adhiraj Surana, Dy. GA
For Objector	Mr. Anil Gulati, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****29/11/2017**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.194/2016, registered at Police Station Khadgawan District Korea (CG), for the offence punishable under Sections 409 and 420 of IPC.
3. At the relevant time, the applicant was working as Principal-cum-Accountant at Saraswati Sishu Mandir, Podi Bachra District

Korea. He has allegedly embezzled the amount received by the School by not depositing the whole receipts in the Bank Account of the School/Society from the year 2013-14 to 2015-16.

4. Having heard learned counsel for the parties and on perusal of the case diary, it appears there is serious dispute between the applicant and other teachers on one side and the complainant and his family members on the other side. Both the factions are making allegations against each other for not conducting the affairs of the School/Society in proper manner. The matter has also travelled to the State Level Committee.
5. It is the case of the applicant that the entire receipts and expenditure have been audited by a Chartered Accountant. The allegations of embezzlement is in respect of such amount which were not deposited with the Bank but were spent by the applicant, for which, he is said to be not authorised. Thus, the applicant would submit that no embezzlement has taken place.
6. Learned counsel for the State as well learned counsel for the Objector would oppose the bail application.
7. Considering the nature of allegations; rivalry between two groups in respect of control over the Society/School, as also for the fact that the applicant is holding substantive post of Teacher (*Acharya*), this Court is of the opinion that present is a fit case to extend the benefit of Section 438 of Cr.PC to the applicant.
8. Accordingly, the bail application is allowed and it is directed that

in the event of arrest of the applicant, if he furnishes a personal bond for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then, he shall be released on bail on the following further conditions :

- (i) that the applicant shall provide all necessary documents in his possession to the concerned Police for making proper investigation in the matter;
- (ii) that the applicant shall make himself available for interrogation before the concerned 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.

9. Certified copy as per rules.

Sd/-

Judge

(Prashant Kumar Mishra)

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