

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 114 /2017

Dinesh Lal, S/o. Ramjeet Ram, Aged About 50 Years, R/o. Manendragarh,
Police Station @ Tehsil- Manendragarh, District Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station
Janakpur, District Korea, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pawan Kesharwani, Advocate.

For Respondent : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.06.2017

1. Apprehending arrest in connection with Crime No.2/2013 registered at Police Station- Janakpur, District Korea (C.G.) for the offence punishable under Section 420, 409, 34 of Indian Penal Code, the applicant has preferred this second application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail. The first bail application was dismissed on 11.08.2016 in MCRC(A) No.729 of 2016.
2. Case of the prosecution, in brief, is that a report was made by one Indra Jeet Singh, Nodal Officer, alleging that in the year 2011-12, the applicant, who was the Manager of the paddy procurement center, 631.20 quintals of paddy was said to be purchased and Rs. 6,80,652/- was misappropriated by the applicant and other co-accused.
3. Learned counsel for the applicant would submit that the applicant without prejudice to his right has deposited Rs.6,80,652/- with the Aadim Jati Sewa Sahakari Samiti Janakpur to show his bonafide and no offence has been committed. He further submits that the other co-accused have been enlarged on bail and no further

custodial interrogation is necessary in this case, therefore, the applicant may be enlarged on anticipatory bail.

4. Learned State counsel was directed to enquire as to whether the applicant has deposited the alleged amount of Rs.6,80,652/- with the Bank. He on the basis of the communication received dated 23.05.2017 would submit that the applicant has deposited Rs.6,80,652/- in the Fixed Deposit with the Aadim Jati Sewa Sahakari Samiti Janakpur.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, 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.

Certified copy, as per rules.