

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 61 of 2018

- N. K. Sharma S/o Late Dwarka Prasad Sharma, Aged About 65 Years
R/o Behind Mig 71, Nehru Nagar, Bilaspur District Bilaspur
Chhattisgarh P.A. At Village P.Sm. And Tahsil Dabra District Gwalior
(M. P.), District : Gwalior, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Mungeli, District Mungeli
Chhattisgarh, District : Mungeli, Chhattisgarh

---- Respondent

For Applicant : Mr. Mukesh Sharma, Advocate.

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/04/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.312/2008 registered at Police Station-Mungeli, District – Mungeli(C.G.), for the offence punishable under Sections 409, 420, 467, 471/34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that the charge-sheet was not filed against him as he was exonerated in the investigation on the basis of the departmental inquiry report according to which he was not involved in the commission of offence as charged in this case, but subsequently on the basis of the application under

Section 319 of CrPC filed by the prosecution, this applicant has again being arrayed as an accused. Hence under this apprehension of arrest it is prayed that applicant may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, in connection with a work of digging pond in village-Buchipara fake bills were raised, passed and amount of Rs.10,49,999/- were withdrawn and misappropriated and no such pond was prepared. The main accused in this case was G.C. Soni, an Agricultural Extension Officer from whom this applicant received the charge, subsequent to the said digging of pond and withdrawal of the amount of bills raised for the digging of pond. This applicant was exonerated departmental and he was previously exonerated by the investigating agency, but later on this development has taken place that now he has to face the trial.
6. After consideration on all the circumstances and the change that has taken place, I am of this opinion that applicant should be granted anticipatory bail.
7. 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 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 them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge