

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 73 of 2018

G. S. Borkar S/o S/o N.T.Borkar Aged About 63 Years House
No. B/10 Beharu Nagar, Ward No. 12 (Gouri Nagar)
Rajnandgaon, P.S. Rajnandgaon, Tahsil And District
Rajnandgaon Chhattisgarh, ---- **Petitioner**

Versus

- State of Chhattisgarh through Police Station Bemetara District
Bemetara Chhattisgarh --- **Respondent**

For the applicant : Mr. Santosh Bharat, Advocate.
For the State : Mr. Adhiraj Surana, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.02.2018

1. Apprehending arrest in connection with Crime No. 143 of 2016 registered at Police Station Bemetara, Distt. Bemetara (C.G) for the offences punishable u/ss 420 and 496 of IPC, the applicant has filed this third bail application u/s 438 of the Code of Criminal Procedure.
2. The first bail application was dismissed on 09.5.2016 as withdrawn and the second one was dismissed on 07.04.2017.
3. As per the prosecution case, the applicant who was working as District Education Officer, Bemetara during his period has misappropriated the funds allotted on the heads of mid-day meal and students scholarships while he was posted in 2012 thereby the offence has been committed.

4. Learned counsel for the applicant submits that the applicant is now retired employee and because of the fact that he was retired from service, all of a sudden, after 3 years of his retirement , he was directed to pay Rs.11,74,493/- and when he could not deposit the same, the FIR was made. He submits that the main offence has been committed by some clerical staff of the office and the applicant was not informed during his tenure as it could not have corrected by the time, however, after 3 years of the incident, alarms were made. He further submits that the alleged deficit amount of Rs.11,74,493/- has been tendered by the applicant to the office of DEO, Bemetara by way of Demand Draft, therefore, the applicant may be enlarged on anticipatory bail.
5. Per contra, learned State Counsel opposes the prayer. He was directed to enquire as to whether such amount was paid by the applicant or not. It has been informed that the amount has been tendered by way of Demand Draft.
6. Considering the case diary and the fact that the appellant is a retired District Education Officer and the entire deficit amount has been tendered by him, without any further observation on the merits of the case, I am inclined to admit the applicant to anticipatory bail.
7. Accordingly, the 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 executing a personal bond in sum of Rs.25,000/- with one surety in the like

sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE