

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 48 of 2018**

Lambodar Singh Bais S/o Late Raghuraj Singh Bais, Aged About 63 Years
Occupation Retired Assistant Land Acquisition Officer Raigarh R/o Shri Ram
Colony, Beladula, Raigarh Tahsil And District Raigarh Chhattisgarh,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Lailunga District Raigarh Chhattisgarh, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Maneesh Sharma and Shri Amit Singh, Advocates.
For the Respondent/ State	:	Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.04.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 24 of 2017, registered at Police Station – Lailunga, District – Raigarh, Chhattisgarh for the offence punishable under Sections 420, 467, 468 and 471/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is a retired public servant and

no case is made out against him. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant in capacity of Assistant Land Conservation Officer is responsible for submission and passing of the forged bills showing the transport by tractor-trolley. Hence, it is clearly a criminal case and he is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. The allegation against the applicant is that while his tenure in Block Lailunga, the minor irrigation tank was constructed in the year 2013 and in regard to construction of tank, some bills were drawn showing forged numbers of tractor-trolley etc. It is alleged that the government fund so drawn was embezzled by the applicant. Learned counsel for the applicant submits that the department has exonerated the applicant after the departmental enquiry made against him.

7. Considering the entire material present in the case-diary and taking into consideration the aforesaid reasons in totality, as also for the reason that this applicant is now a retired public servant, I am of the considered view that the applicant deserves to be released on anticipatory bail.

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 executing a personal bond in 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge