

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 119 of 2018**

H. M. Tripathi, S/o. Late Shri R. C. Tripathi, Aged About 59 Years, R/o. Sector -5, E -99, Devendra Nagar, Raipur Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The Police Station Khamtarai, Raipur Chhattisgarh,

---- Respondent

AND**M.CR.C.(A). No. 123 of 2018**

Ram Swarup Vaz, S/o. Late Shri Mohni Pehelwan, Aged About 56 Years, R/o. Rawabhata, P.S. Khamtarai, Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through The Police Station -Khamtarai, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicants	: Mr. Ali Asgar, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**13/04/2018**

- Both the anticipatory bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. Apprehending arrest in connection with Crime No.515/2017, registered at Police Station – Khamtarai, Raipur District – Raipur (C.G.) for offence punishable under Section 420 of the Indian Penal Code, the applicants have preferred these applications for grant of anticipatory bail.
3. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. No case is made out against them according to the case under investigation. Similarly placed co-accused Veer Pal Singh has been granted anticipatory bail by the Coordinate Bench of this Court in M.Cr.C. (A). No.1023/2017 by order dated 19.01.2018. The complainant Kishan Lal Chaurasia, a terminated employee of the corporation has made this false complaint. There is no responsibility of both these applicants as drawing and disbursing officer, preparation of accounts or bills for the purposes of payments to the labourers etc., hence, it is prayed that the applicants be benefited with grant of anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that no case is made out for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. As the case is, a complaint has been made by one Kishan Lal Chaurasiya that applicants in both the cases, who are Superintendent of Central Ware Housing Corporation have committed financial irregularities, by making lesser payment of salary to the workers, not making deposit in employees provident

fund and also by falsely showing that ex-service men are deployed and claiming the extra benefits, which are given to the ex-service men employed and on that basis have withdrawn the amount from the department and thus have mis-appropriated and embezzled the same.

7. Considered the submissions made and the contents of the case diary. According to the investigation made so far nothing has appeared that these applicants have the responsibility of keeping the accounts, preparing, sanctioning bills, or having any responsibility as drawing and disbursing officer, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
8. Accordingly, both the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram