

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 419 of 2018**

Keshav Prasad S/o Shri Duryodhan Patel Aged About 51 Years By Caste Adhariya, Occupation Service, R/o Village Reda Than Dabhra, Distt. Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Dabhra, Distt. Janjgir Champa Chhattisgarh.

---- Respondent

For the Applicant : Shri Awadh Tripathi, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.06.2018**

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. 406 of 2017, registered at Police Station – Dhabhra, District – Janjgir-Champa, 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 main allegation is against co-accused - Basant Kumar Yadav, Officer in Janpad Panchayat, Dhabhra. No role has been played by the applicant in the defalcation of the amount that has been

alleged. 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 a Special Committee was constituted by Janpad Panchayat, Dhabhra and the matter was enquired, in which it has been found that this applicant in collaboration with the main accused – Basant Kumar Yadav was involved in the commission of offence of embezzlement. Hence, looking to the evidence present in the case-diary, the applicant is not entitled for grant of anticipatory bail.

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

6. A written complaint has been made by the Executive Officer, Janpad Panchayat, Dhabhra for registering the offence against co-accused – Basant Kumar Yadav, Officer and this applicant – Keshav Prasad, Assistant Grade-III for defalcation and embezzlement of an amount of Rs.28,99,768/-. It is alleged that the applicant and the co-accused persons were collaborated in withdrawing the amount from the head of pension scheme and other heads with the help of forged signature of Chief Executive Officer. In the enquiry conducted by the Enquiry Committee, this applicant admitted his guilt in writing and tendered his apology. After completion of enquiry and submission of report by the Enquiry Committee, the complaint was made to the police and on that basis, FIR has been registered.

7. Learned counsel for the applicant placed reliance on the enquiry report submitted by the Committee in which the committee has

recommended to seek explanation from co-accused – Basant Kumar Yadav only and the Enquiry Committee found that the applicant was not involved.

8. Perused the enquiry report and also perused the other documents regarding the departmental proceedings against the applicant present in the case-diary. At this stage, it cannot be said that this applicant had no role to play in the said offence of embezzlement registered against him. Hence, for these reasons, I do not find any extra-ordinary case made out in favour of the applicant for grant of anticipatory bail to him.

9. Accordingly, the anticipatory bail application filed under Section 438 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge