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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 843 of 2017**

Rakesh Kumar Verma S/o Shri Kishan Lal Verma, Aged About 32 Years Working As Assistant Grade-3, At Chhattisgarh State Electricity Distribution Company Maryadit Centre Sub-Division Pandaraiya, P.S. Pandariya, District Kabirdham, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Bhoramdev, Rajanavagaon, District Kabirdham, Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.02.2018**

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. 33 of 2017 registered at Police Station – Bhoramdev, Rajanawgaon, District – Kabirdham, Chhattisgarh for the offences punishable under Sections 420 and 120-B of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material available in the charge-sheet. The applicant is a

clerk working as Assistant Grade-III in the Chhattisgarh State Electricity Distribution Company. As alleged, the amount has not been received by this applicant he has only issued a receipt according to the rules. If the applicant is arrested, his career shall be affected. 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 complainant has made clear allegation against this applicant that he is the person who in collaboration of other accused persons has misappropriated the amount of Rs.20,000/- deposited by him and has given receipts of the amounts of Rs.1,376/- and Rs.926/- and has misappropriated the remaining amount. Hence, it is prayed that the applicant is not entitled for grant of anticipatory bail.

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

6. According to the scheme of the State Government subsidized electric connections were to be provided to the farmers by CSPDCL. On account of which, the applicant and others took deposit of Rs.20,000/- from complainant – Ashwani Pali and receipts of Rs.1,376/- and Rs.926/- only were issued to him. Thereafter, no electric connection for agricultural motor pump was provided to him. Hence, this case.

7. Considering the submissions and the contents of the case-diary, neither the applicant has asked to deposit the amount nor he is the recipient

of the deposit or he is the person who received the said amount, on the basis of the material against the applicant, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of 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