

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 577 of 2018

- Sohan Bhagat S/o Late Balram Bhagat, Aged About 32 Years, Posted As Rural Agriculture Extension Officer, R/o Village Pathrai, Post-Sedam, Police Station And Tahsil Batuli, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Ramchandrapur, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant – Ms. Anusuiya Rajput, Advocate.

For Non-applicant/State – Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

06-07-2018

1. Apprehending arrest in connection with Crime No.33813038170054, registered at Police Station – Ramchandrapur, District Balrampur-Ramanujganj, Chhattisgarh for offence punishable under Section 409 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant was simply a supervisor of the paddy procurement center, whereas, the actual person in-charge was Uttam Mistri. The FIR lodged also names co-accused Uttam Mistri as main accused person. No case is made out against this applicant and he is neither the beneficiary of the defalcation made if any. Hence, it is prayed that he may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant is directly responsible in the embezzlement of missing paddy along with the co-accused person, because of which, the Assistant Registrar, cooperative society, B.J. Ekka has lodged the FIR and

because of this offence the State has suffered loss of Rs.29,91,612/-. Hence, this applicant is not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. As per the prosecution case, this applicant was the Supervisor/In-charge of paddy procurement center Ramchandrapur. On investigation made by the enquiry committee, 277 bags of paddy were found missing from the charge of this applicant. Hence, the FIR has been lodged.

6. Considered on the material present in the case diary. On the basis of the statement made by learned counsel for the applicant regarding defence of this applicant and the submission that main allegation is only against co-accused Uttam Mistri, I am of this view that this applicant being a public servant deserves to be granted anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. 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 him/her 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil