

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 675 of 2018**

Siddharth Mishra S/o late Neetiraj Mishra, aged about 34 years, Assistant Revenue Inspector, Nagar Palik Nigam, Ambikapur, R/o Village Kedarpur Ring Road, Ambikapur, PS & Tehsil Ambikapur (CG).

-----Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Ambikapur, District Surguja (CG).

---- Respondent

For Applicant	:	Shri Sunil Otwani, Advocate.
For Respondent	:	Shri Ashutosh Pandey, Panel Lawyer.
For Objector	:	Shri A.K. Prasad, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

13/07/2018

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.45 of 2018 registered at Police Station Ambikapur, Distt. Surguja, for the offence punishable under Section 409 IPC.
2. The allegation against the applicant as per prosecution is that, the applicant in the capacity of Assistant Revenue Inspector of the Municipal Corporation, Ambikapur, is said to have collected excess amount from the vendors operating shops in the municipal area and have issued them receipt of lessor amount.
3. According to the counsel for the applicant, the applicant has falsely been implicated in the case. According to him, it is a case where the

complainant and the wife of present applicant both are Councilor in the same Municipal Corporation and therefore complaint has been lodged due to political rivalry.

4. A perusal of record shows that the entire complaint has been initiated at the behest of the complainant Alok Dubey who happens to be Councilor of Municipal Corporation, Ambikapur and the wife of the present applicant also is a Councilor of the same municipal corporation. Prima facie it appears to be a fight between the two Councilors which has resulted in lodging of the FIR leading to implication of the Husband of the one of the Councilor i.e. present applicant. Moreover, from the record which has been produced before the court which is a report of the SDO (R) who has in his verification stated that the amount involved in the alleged irregularity is only Rs.60/-.
5. Counsel for the State however opposes the bail application and submits that the matter is still in the investigation stage and there is all likelihood that excess amount charged by the applicant would be much more than what has been primarily assessed.
6. Having heard learned counsel for the parties and taking into consideration the total facts and circumstances of the case particularly considering the status of the wife of the present applicant and the status of the complainant both of whom being Councilor of the same municipal corporation, also considering the nature of allegation, this court is of the view that it is a fit case for grant of anticipatory bail to the applicant. Accordingly, the application is

allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

1. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 2. The accused/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;
 3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 4. 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.
7. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge

inder