

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 938 of 2018

- Khageshwar Prasad Sahu S/o Late Bisahu Ram Sahu, Aged About 58 Years, Occupation Service, Working As Postal Inspector In Post Office, Bilaspur Chhattisgarh Present Address Sagar Home Uslapur, Police Station Sakari, Tahsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Janakpur District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Satish Chandra Verma, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-09-2018

1. Apprehending arrest in connection with Crime No.55/2017, registered at Police Station –Janakpur, District Korea, Chhattisgarh for offence punishable under Section 409, 420, 466, 468, 471 read with Section 34 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 had worked in capacity of Sub-divisional Inspector of the post office. The only allegation that is made out according to the material present in the case diary is that, this applicant has derelicted in performance of his duties, for which the departmental action has been prescribed against him, for this reason this applicant cannot be held criminally responsible for the offence of embezzlement that has been committed by accused namely Rakesh Kumar Sinha. The department has also held the accused Rakesh Kumar Sinha responsible for the offence in a letter written to the Superintendent of Police Korea dated 08-08-2018 which is attached as Annexure-P/7 in the additional documents. In this letter itself the

applicant has been exonerated from commission of offence by the department. Hence, under these circumstances, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that according to the enquiry report of the department it has been held that this applicant has failed to perform his duty which has resulted in the embezzlement of the huge amount by the other accused persons. Apart from that there is memorandum statement given by the co-accused person that this applicant has got his share in the amount embezzled by the other accused persons. Hence, he is not entitled for grant of anticipatory bail.

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

5. As per the case against this applicant and other accused person, the main accused Rakesh Kumar Sinha who was Sub-Post Master of Post Office Janakpur has made fake withdrawals from the saving accounts of various account holders and has also made fake withdrawal of loans in the name of the account holders. All the amount so withdrawn were misappropriated by main accused person which amounts to Rs.1,16,82,332/-. According to the memorandum statement given by the co-accused person, this applicant was also getting his share in the amount embezzled.

6. After considering on the entire material present in the case diary, I feel inclined to grant anticipatory bail to this applicant.

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