

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1037 of 2018**

Raju Koma, S/o. Ramanlal Koma, Aged About 28 Years, R/o.- Village Satighat, Police Station Raoghat, Tahsil Antagarh, District- North Bastar Kanker, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through- Police Station Antagarh, District- North Bastar Kanker, Chhattisgarh.

---- Respondent

For Applicant : Mr. T.K. Jha, Advocate

For Respondent/State : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**12/09/2018**

1. Apprehending arrest in connection with Crime No.38/2018, registered at Police Station – Antagarh, District – North Bastar Kanker (C.G.) for offence punishable under Section 409 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant, who is Office Assistant in C.G. GraminBank, Branch – Antagarh was on leave and in his absence a inspection of the registers and documents were made. The applicant was never given any opportunity to offer any explanation regarding the shortage

reported. False allegation has been made that the applicant has made embezzlement of the said amount. Apart from that father of the applicant has made the deposit of the amount, which is alleged to have been embezzled regarding which documents are submitted along with this application. Hence, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. As per the prosecution case, the applicant embezzled amount of Rs.7,02,578/- while he was serving in the Gramin Bank at Antagarh and he has absconded subsequently. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, and also considering the submission made by the counsel for the appellant that the amount of embezzlement has been repaid to the concerned bank. Hence, after due consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram