

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1049 of 2018

- Kumari Reshma Netam D/o Sudarshan Netam aged About 22 Years
R/o Bramhanpara, Keshkal, District - Kondagaon (C.G.), District :
Kondagaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Keshkal, District - Kondagaon (C.G.), District : Kondagaon,
Chhattisgarh

---- Respondent

For Applicant : Mr. Ashish Gupta, Advocate.

For Respondent/State : Mr. Anil Pandey, Govt. Advocate.

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

22/11/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.77/2018 registered at Police Station- Keshkal, District – Kondagaon(C.G.), for the offence punishable under Sections 420, 408, 120-B, 403 of the Indian Penal Code & Section 66 of the I.T. Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The applicant has not embezzled any amount from the account of the complainant and due to some misunderstanding the

amount has been transferred to other accounts regarding which compromise has been arrived at between the applicant and the complainant and according to agreement dated 21.12.2017, this applicant has agreed to refund the amount by 19.6.2019 to which the complainant has also agreed. Subsequently the applicant has made efforts to refund some part of amount to the complainant by submitting bank draft of Rs.50,000/- which the complainant has refused to receive. Hence, it is prayed that applicant be benefited with grant of anticipatory bail.

3. Learned State counsel formally opposes the bail application and the submissions made in this respect. It is submitted that it is a clear case of defalcation and misappropriation from the account of the complainant by the applicant with dishonest intention, hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to the complaint filed by complainant, this applicant was appointed as Assistant to operate computer in the customer service centre run by the complainant. The complainant entrusted password of KIOSK to the applicant, which she misused to transfer Rs.15,29,148/- into the account of others unauthorizedly and thereby committed the offence of embezzlement. Hence, this case.
6. After considering on the material present in the case diary and the document present on record of this applicant, I feel inclined to grant anticipatory bail to this applicant for a limited period upto 19.6.2019.
7. 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, she shall be released on bail by the officer

arresting her on her executing a personal bond in the 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 herself 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 them by the said Court till disposal of the trial.

8. It is made clear that this order shall remain effective till 19.6.2019 only.

Sd/-
(Rajendra Chandra Singh Samant)
Judge