

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 301 of 2019**

1. Rajendra Prasad Sharma S/o Late Shri Laxmi Prasad Sharma Aged About 58 Years Posted As Government Boys Higher Secondary School, Baloda-District Janjgir Champa Chhattisgarh.
2. Laxman Prasad Banjare S/o Ramcharan Banjare Aged About 60 Years Posted As Principal Government Higher Secondary School Baradwar, District-Janjgir Champa, Chhattisgarh.
3. R. N. Kurre S/o Ramsai Aged About 51 Years Principal, Budgahan, Caste Satnami, R/o Village-Budgahan, Police Station & Tahsil Baloda, District-Janjgir Champa, Chhattisgarh.

---- Petitioners**Versus**

- State of Chhattisgarh Through The Station House Officer, Police-Station Baloda, District-Janjgir Champa Chhattisgarh.

---- Respondent

For Petitioner : Shri K.K. Pandey, Advocate.

For Respondent/State : Shri Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/04/2019**

Heard.

1. This petition under Section 482 of CrPC has been filed praying for correction of the details of applicant No.1 & 3 in the impugned order passed by this Court in M.Cr.C.(A) Nos.1095/2018 & 1096/2018.
2. It is submitted by learned counsel for the petitioner that in M.Cr.C.(A) No.1095 of 2018 the name of father of applicant Rajendra Prasad

Sharma has been mentioned as "Laxman Prasad Sharma", which should have been "Laxmi Prasad Sharma" and in M.Cr.C.(A) No.1096 of 2018 father's name of applicant R.N. Kurre has been mentioned as "Ramniwas" which should have been "Ramsai". Documents have been filed in support of the contention made. Therefore, it is prayed that petition be allowed for making these corrections.

3. Learned State counsel has no objection.
4. Heard & perused the order dated 30.10.2018.
5. Certain typographical/clerical mistakes have crept in the impugned order, which, in the interest of justice, are required to be corrected. Accordingly, the petition is allowed.
6. It is ordered that the fathers name of applicant Rajendra Prasad Sharma in M.Cr.C.(A) No.1095 of 2018 be read as "Laxmi Prasad Sharma" instead of "Laxman Prasad Sharma" and the father's name of R.N. Kurre in M.Cr.C.(A) No.1096 of 2018 be read as "Ramsai" instead of "Ramniwas" hearinafter.
7. A copy of this order be made part of MCRC(A) No.1095/2018 & 1096/2018.
8. The petition is, accordingly, disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
JUDGE

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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1062 of 2018

1. Ramayan Prasad Sahu S/o Dukhram Sahu, Aged About 46 Years, Director- Dongri School, R/o- Village- Dongri, Police Station And Tahsil- Baloda, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Anil Kumar Harbans S/o Late Vijay Singh Harbans, Aged About 49 Years, R/o- Village- Champa, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Baloda, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

MCRCA No. 1095 of 2018

1. Rajendra Prasad Sharma S/o Late Shri Laxman Prasad Sharma, Aged About 58 Years, posted as Principal, Government Boys Higher Secondary School, Baloda, District : Janjgir-Champa, Chhattisgarh
2. Laxman Prasad Banjare S/o Ramcharan Banjare, Aged About 60 Years, Posted as Principal, Government Higher Secondary School, Baradwar, District Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Baloda, District Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

MCRCA No. 1096 of 2018

1. R. N. Kurre S/o Ramniwas, Aged About 51 Years, Caste Satnami, R/o Village Budgahan, Police Station And Tahsil - Baloda, District Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Baloda, District Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

MCRCA No. 1177 of 2018

1. S. L. Netam S/o Nanki Ram, Aged About 58 Years, Caste Netam, Occupation Service (Principal Govt. Higher Secondary School, Khisora), R/o Raseda, Police Station Akaltara, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Baloda District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant(s) – Shri K.K. Pandey, Advocate (in MCRCA No.1062/2018 and MCRCA No.1096/2018),
Shri Arvind Shrivastava and Shri K.K. Pandey (in MCRCA No.1095/2018).
Shri K.P. Sahu, Advocate (in MCRCA No.1177/2018)
For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

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

30-10-2018

1. As these four MCRCA arise out of the same crime number, i.e. Crime No.178/2018, registered at Police Station Baloda, District Janjgir-Champa, Chhattisgarh for the offence under Section 409, 419, 420, 467, 468, 471, 34 of the IPC, they are being decided by this common order.
2. These applications have been filed by the applicants for grant of anticipatory bail as they are apprehending their arrest in connection with aforesaid crime number and offence.
3. It is submitted by learned counsel for the applicants that the applicants in all these applications have been falsely implicated in this case only on the basis of audit report dated 21-11-2016, subsequent to which no initial enquiry has been made by the department regarding the allegation that have been made by the auditor. All the applicants are in responsible position as Principal and Teachers and applicant Ramayan Prasad Sahu (applicant in MCRCA NO.1062/2018) is Director of Maa Saraswati High School Angarkhar. No case is made out against these applicants, they are ready to abide by all the conditions to be imposed on grant of anticipatory bail. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.
4. Learned counsel for non-applicant/State opposes the applications submitting that according to the FIR lodged, these applicants and the other

accused persons have embezzled an amount of Rs.74,58,000/- that was allotted to them by the State for disbursement as scholarship to poor students, hence, no case is made out for grant of anticipatory bail.

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

6. The case against the applicants is this, that the FIR has been lodged by the Additional Commissioner, Tribal Welfare Department alleging that during the period starting from 1996 upto 2016 the amount of scholarship to students of various categories were allotted by the State Tribal Welfare Department, but the same was not disbursed by the persons concerned and has been misappropriated, thus, they have committed the offence of embezzlement. Hence, this case.

7. After considering on the entire material present in the case diary, it appears that the case is based only on the audit report and no subsequent enquiry has taken place, hence, after due consideration, I am of this opinion that after imposing suitable conditions these applicants may be benefited with grant of anticipatory bail.

8. Consequently, all these anticipatory bail applications are allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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.

These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to

fair and expeditious trial; and

- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge