

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1229 of 2018

- Dhaluram Kosariya S/o Shri Mehtarram Kosariya, Aged About 50 Years, R/o Village Kampa, Post, Tahsil, Thana Dongargaon, Secretary, Gram Panchayat Ratanbhat, Janpad Panchyat Churiya, Distt. Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Dongargaon, Distt. Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Parag Kotecha, Advocate.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-10-2018

1. Apprehending arrest in connection with Crime No.181/2018, registered at Police Station – Dongargaon, District- Rajnandgaon, Chhattisgarh for offence punishable under Section 409 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. No case is made out against him according to the evidence present in the case diary. The applicant claims that the amount that was withdrawn and transferred to the account of this applicant was a mistake and that mistake was rectified by the applicant himself by making a deposit of the said amount back in the same bank account of Gram Panchayat Kampa, regarding which the complainant himself has filed an affidavit in the Court below, which has not been taken into consideration by the Court below. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear evidence against this applicant regarding commission of offence by him, hence, the application may be rejected.

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

5. Complainant Gangaram has lodged the FIR alleging that during tenure of this applicant as Secretary in Gram Panchayat Kampa, he had made fraudulent withdrawal of Rs.3,20,221/- from the account of Gram Panchayat Kampa.

6. The order sheet of the Court below reflects the affidavit filed by the complainant regarding redeposit of amount by this applicant in the account of Gram Panchayat Kampa. After due consideration of the entire material present in the case diary, I am of this opinion that this applicant should be benefited with grant of anticipatory bail.

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