

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1236 of 2018**

Adman Lakda S/o Late Nestor Lakda Aged About 64 Years Retirement
Additional Collector, R/o Muhalla- Fundurdihari, Police Station- Gandhi
Nagar, Tahsil- Ambikapur, District- Surguja, Chhattisgarh., District : Surguja
(Ambikapur), Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent**And****M.Cr.C. No. 7041 Of 2018**

Madhavram S/o Mukundram Yadav Aged About 55 Years Clerk Grade-2,
Tahsil Court, Chirmiri, R/o Prema Bag, Baikunthpur, District Koria,
Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station -
Churcha, District Koria, Chhattisgarh., District : Koriya (Baikunthpur),
Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Awadh Tripathi and Shri J.K. Saxena, Advocates.
For the Respondent/State	:	Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.10.2018**

Heard.

1. Both these applications are being decided by this common order as they arise from the similar incident. M.Cr.C.(A) No. 1236 of 2018 is the first application under Section 438 of Cr.P.C. filed by the applicant for grant of anticipatory bail, who is apprehending arrest in connection with Crime

No.103 of 2018, registered at Police Station – Churcha, Baikunthpur, District – Korea, Chhattisgarh for the offences punishable under Sections 477 and 409/ 34 of the Indian Penal Code. M.Cr.C. No. 7041 of 2018 is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 by the applicant for grant of regular bail to him, who has been arrested in connection with the aforesaid offence.

2. Learned counsel for the applicants submit that the applicants have been falsely implicated in this case. On behalf of applicant – Adman Lakda in M.Cr.C.(A) No. 1236 of 2018, it is submitted that the only allegation against him is that 13 records of the office which were constituted during his tenure are missing. The applicant had been posted as Additional Collector in District Korea from 3.10.2012 to 28.2.2015. Missing of records is a subsequent event for which the applicant is being falsely implicated in this case. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

On behalf of applicant – Madhavram in M.Cr.C. No. 7041 of 2018, it is submitted that he was a clerk in the office where co-accused – Adman Lakda was in-charge. The said missing files were actually handed over in possession to co-accused – Adman Lakda on his asking and he never returned. This applicant was bound to follow the orders of the officer. He is in jail since 5.9.2018. Hence, for these reasons, the applicant is entitled for grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that

both the applicants have deliberately misplaced the records with intention to thwart the proceedings in appeal. Hence, for these reasons, none of the applicants deserve to be enlarged on regular/ anticipatory bail.

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

5. It is a case in which applicant – Adman Lakda in capacity of Additional Collector granted permission for sale and purchase in 13 matters. Subsequent to his transfer, the records of the said cases went missing. All the matters have been challenged in appeal before the Appellate Court which are held up as the records are missing. Applicant – Adman Lakda did not turn up on the notice given by the Appellate Court and replied that he is not in possession of the records whereas, co-accused – Aman Yadav has given statement that he handed over the records to co-accused – Adman Lakda.

6. Further investigation may reveal the correct facts in this case and the matter in this case is more of departmental in nature. Hence, after due consideration, both the applicants deserve to be released on regular and anticipatory bail.

7. Accordingly, the bail applications filed under Sections 439 and 438 of the Cr.P.C. are allowed.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of applicant – Adman Lakda in M.Cr.C.(A) No.1236 of 2018 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. He 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.

9. It is directed that applicant – Madhavram in M.Cr.C. No. 7041 of 2018 shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-
(Rajendra Chandra Singh Samant)
Judge