

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1310 of 2018

- Uttam Mishtri S/o Shri Vijan Mishtri Aged About 30 Years
Occupation Agriculturist, R/o Village Kamalpur, Police Station
Ramanujganj Tehsil Ramanujganj District Balrampur-Ramanujganj
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Ramchandrapur, District Balrampur-Ramanujganj
Chhattisgarh.

---- Respondent

For Applicant : Mr. A.S. Rajput, Advocate.

For Respondent/State : Mr. N.K. Mehta, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/11/2018

1. Apprehending arrest in connection with Crime No.54/2017, registered at Police Station–Ramchandrapur, District –Balrampur-Ramnujganj (C.G.) for the 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. No case is made out against this applicant. The applicant was simply an Assistant Manager of the Samiti and he was not the in-charge of the paddy purchase. Co-accused namely-Sohan Bhagat has been granted

anticipatory bail by this Court vide order dated 6.7.2018 passed in MCRCA No.577 of 2018, hence, it is prayed that this applicant may also 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. It is submitted that in the order dated 6.7.2018 passed in MCRCA No.577 of 2018 this Court has observed that this applicant is the main accused in this case. Hence, he is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. On an inspection made by Assistant Registrar, Co-operative Societies, a shortage of 1981.20 quintal paddy was found in Adim Jati Sahkari Samiti Maryadit, Ramchandrapur and thus an amount of Rs.29,91,612/- was found to be embezzled by this applicant and one Sohan Bhagat, In-charge of Paddy Procurement Centre.
6. In the complaint made by incharge Officer of Adim Jati Sahkari Samiti Maryadit, Ramchandrapur the only allegation is made against this applicant. The investigation is still under way. Learned counsel for applicant has placed reliance on the report of Inquiry Officer (available in the case diary) in which co-accused has been held responsible for the embezzlement and this applicant has been held responsible for dereliction in performance of his duties.
7. After considering the evidence collected so far in the investigation and for the reason that this applicant is a public servant, I am of this opinion that the applicant should be enlarged on anticipatory bail.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. 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 his 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 applicants 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha