

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 933 of 2017

- Chandrakumar Markande S/o Dharam Singh Markande, Aged About 32 Years, Caste Satnami, Occupation- Service, R/o Village- Khemda, Post Office- Devri, Police Station- Komakhan, Tahsil Bagbahra, District Mahasamund, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bagbahra, District Mahasamund, Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri Anil S.Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-02-2018

1. Apprehending arrest in connection with Crime No.212/2017, registered at Police Station – Bagbahra, District Mahasamund, Chhattisgarh for offence punishable under Section 420, 409 of the IPC, 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 as it is alleged that the applicant has defalcated Rs.1,82,000/- out of the school funds is totally false allegation. Some irregularities though had been committed by him, but the applicant made purchase for various items for the concerned school in which he was the In-charge Principal and the remaining amount Rs.78,921/- has been deposited by him in the school funds prior to the lodging of the FIR, even then, false FIR has been lodged against him. The applicant is a Government servant. Hence, it is prayed that he may be benefited with grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and submission. It is submitted that the applicant in the capacity of a Government servant has committed financial irregularities and criminal breach

of trust, 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.

5. The Block Education Officer, Bagbahra made a written complaint in P.S. Bagbahra stating that the applicant being In-charge Principal of Higher Secondary School at Bodaridadar has committed offence of embezzlement of the school funds to the tune of Rs.1,82,000/-. On that basis, FIR has been registered and the investigation is pending.

6. Considered on the submissions made and contents of the case diary.

7. Considered on the entire material present in the case diary. A report has been received from the SHO Bagbahra stating that the applicant has deposited Rs.78,921/-. The statement made on behalf of the applicant that he had made purchases from the remaining amount, which is alleged to have been embezzled, which needs investigation. Hence, looking to all these circumstances in totality, I am of this view that the applicant should be benefited with grant of anticipatory bail in the present matter.

8. 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.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge