

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1395 of 2018

- Vinod Kumar Singh S/o Baban Singh Aged About 44 Years R/o Nagar, Police Station and Tahsil Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate.

For Respondent : Mrs. Madhunisha Singh, Panel Lawyer.

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

12/12/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.271/2008 registered at Police Station-City Kotwali, Ambikapur, District – Surguja (C.G.), for the offence punishable under Sections 467, 468, 471, 511 read with Section 34 of the Indian Penal Code.
2. Charge sheet has already been filed and Criminal Case No.4123/09 is pending consideration before the Court of JMFC, Ambikapur.
3. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant was though

named in the FIR but subsequent to lodging of FIR applicant preferred an appeal before the Commissioner, Surguja Division, Ambikapur which was allowed vide order dated 1.11.2008 and it was held that applicant is not responsible for the said financial irregularities or defalcation. Copy of that order is attached as Annexure-A2. Further, the District Treasury Office has also made an inquiry and submitted report that the applicant in the capacity of Assistant Programmer is not responsible for the act of defalcation and vide letter dated 22.1.2014 it was recommended that prosecution against him be withdrawn. Copy of this letter has also been filed as Annexure-A3. Subsequent to this development, memo dated 25.2.2010 was sent to the Superintendent of Police, Ambikapur requesting to withdraw prosecution of the appellant which was replied by the Superintendent of Police, Surguja vide Annexure-A7. The applicant was never absconding and his suspension was revoked. He is regularly attending his duties, however, after issuance of warrant of arrest by the concerned Court, he has apprehension of his arrest, therefore, it is prayed that he may be granted on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant was named in FIR as one of the persons responsible for defalcation or financial irregularities. This applicant is continuously absconding for last about 8 years and has come before this Court after long lapse of time, therefore, he is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. The case of prosecution is this, that the applicant was posted as Assistant Programmer in the Treasury Office. The Block Education

office, to which traveling allowances to the extent of Rs.37,000/- had been allocated, but a bill Rs.1,19,430/- was submitted by the said office for the reason that the computer entry was showing allocation of fund of Rs.1,21,000/- in that head.

7. Considered on the material present in the case diary, and also perused the document attached with the application according to which this applicant has been exonerated in the departmental inquiry, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the 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 them by the said Court till disposal of

the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha