

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1480 of 2018**

Sudesh Kumar Yadav S/o Shri Buneswar Yadav Aged About 24 Years R/o Village Podi Khurd, P.S. And Tahsil Shankargarh, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S.H.O. P.S.- Shankargarh, District- Balrampur, Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Rishikant Mahobia, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.11.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No.33 of 2018 registered at police station Shankargarh, District Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Section 409/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Similarly placed co-accused – Bajrang Yadav who was in-charge of the

Paddy Purchase Center has been granted bail by this Court. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

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

6. The case against the applicant is that on an inspection made in Adim Jati Sewa Sahakari Samiti Maryadit, Jamdi where the applicant was working as Data Entry Operator, a shortage of 1200 bags/ weight 480 quintals of rice worth Rs.7,63,200/- was found.

7. Considering the fact that the main accused in this case has been granted anticipatory bail, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and 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 them 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