

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1506 of 2018**

Basant Kumar Yadav, S/o. Munchuram Yadav, Aged About 61 Years, R/o. Kharsia, Tahsil Kharsia, District Raigarh Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Dabhra, District -Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ashish Gupta, Advocate
For Respondent/State	: Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****27/11/2018**

1. Apprehending arrest in connection with Crime No.406/2017, registered at Police Station – Dabhra, District – Janjgir-Champa (C.G.) for offence punishable under Section 420, 467, 468, 471, 34 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. It is submitted that co-accused Keshav Prasad Patel has been enlarged on bail by this Court vide order dated 10.09.2018 in M.Cr.C. No.5946/2018, who is the main accused in this case. This applicant has no connection with the offence of embezzlement as alleged according to the investigation so far. The applicant is suffering from illness and because of which, he is not regularly attending his duties, therefore,

no question arise at all being a part of the incident. Therefore, it is prayed the applicant may 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 this applicant is the main accused in this case and there may be requirement of custodial interrogation from him. Hence, the applicant may not be released on bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The allegation against the applicant is this that while his posting as Internal Auditor and Taxation Officer in Janpad Panchayat, Dabhara, he collaborated with accused Keshav Prasad Patel (A.G.- III) and the cheques that were intended to be deposited in official accounts were deposited in the account of this applicant by manipulation and forgery. It is alleged that in total amount of Rs.28,99,768/- was defalcated and embezzled by the applicant with the help of other co-accused persons.
6. Considered the submissions made and the contents of the case diary. After considering the entire material present in the case diary, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge