

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 95 of 2019**

Premchand Banjare, S/o. Bhagatram Banjare, Aged About 40 Years,
Principal- Maa Saraswati Govt. Higher Secondary School, Angarkhar,
Block Baloda, R/o. Village Khamhariya, Police Station Kusmunda, Tahsil-
Pali, District Korba Chhattisgarh.

----Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. K.K. Pandey, Advocate
For Respondent/State	: Mr. Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/02/2019**

1. Apprehending arrest in connection with Crime No.178/2018, registered at Police Station – Baloda, District – Janjgir-Champa (C.G.) for offence punishable under Section 409, 419, 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. No case is made out against the applicant on the basis of the material present on record. The applicant is Principal of Maa Saraswati Govt. Higher Secondary School, Angarkhar, Block – Baloda, he has no responsibility of collection and distribution of the scholarship to the

beneficiary students. Apart from that no investigation has been made in this case and the FIR is registered only on the basis of the audit report, which needed further enquiry by the department itself before lodging of FIR against the persons concerned. Further some of the co-accused persons have been granted anticipatory bail by this Court. Therefore, it is prayed that 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 according to the audit report, this applicant has responsibility of distribution of scholarship and he has misappropriated the same. Therefore, the applicant may not be released on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. FIR has been lodged by the Additional Commissioner Tribal Welfare Department making allegation that between the period starting from 1996 to 2016, The State Tribal Welfare Department has given allotment for distribution of scholarship to the students of various categories. In the audit report, it has been pointed out that the amount so sanctioned has not been distributed to the beneficiaries and it has been misappropriated.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and taking into consideration this fact that similarly placed co-accused persons have been enlarged on anticipatory bail, this Court is 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 allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge