

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 144 of 2019**

Bhuvneshwar Prasad Rathore S/o Late Ramlal Rathore Aged About 69 Years R/o Village Portha Tahsil Sakti, Civil And Revenue District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

The Station House Officer, Police Station, CBI (ACB) CBI (ACB) Raipur Civil And Revenue District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Kamal Kishore Patel, Advocate.
For the Respondent/CBI	:	Shri B. Gopa Kumar, Assistant Solicitor General.
For the Depositor/ victim	:	Shri Vimal Kumar Tondey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.03.2019**

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. RC 1242018S0005 of 2018, registered at Police Station CBI (ACB), Raipur, Civil and Revenue District Raipur, Chhattisgarh for the offence punishable under Sections 420, 406, 409 and 477A 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. The applicant is a Senior Citizen aged about 69 years and suffering from various ailments. No explanation was called from the applicant regarding embezzlement of funds as he was not posted in Dumarpara during the time when incident took place therefore, the explanation was called from the then members and the officials of the society vide Annexure-A/4. The name of this applicant is also not reflected in the FIR lodged in this case. The investigation has been completed and there does not appear to be any need of this applicant for any custodial interrogation. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned counsel for CBI opposes the bail application and the submissions made in this respect. It is submitted that the applicant is the main culprit in this case and he is the person who has manipulated the accounts and embezzled the funds of the society. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. The applicant was Manager of Sewa Sahkari Samiti, Dumarpara. It is alleged that between the period 1.4.2006 to 31.3.2016 the transactions of providing loan, purchasing paddy and distributing ration were made. In the audit conducted by the office of Joint Registrar Cooperative Societies various discrepancies were found in the accounts maintained by the society for which the applicant has been held responsible in this case.

7. After considering the entire material present in the case-diary, and taken into consideration this fact that now the investigation has completed and also no attempt was ever made to arrest the applicant earlier, therefore, 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