

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 122 of 2019

- Suresh Kumar Shyamle S/o Late Shri Devkaran Shyamle, aged about 48 Years Sewa Sahkari Samiti, Dhuma (Registered No. 2113) Block Kota, District-Bilaspur Chhattisgarh, R/o Khutapara, Village-Chhapora, P. S. Ratanpur, Tahsil-Kota District Bilaspur Chhattisgarh,.

---- Applicant

Versus

- Central Bureau Of Investigation (C.B.I.) Anti Corruption Bureau (A.C.B.), Raipur, District-Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushkar Sinha, Advocate.
For Respondent/State : Mr. B. Gopa Kumar, Asst. S.G.

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

21/02/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.RC1242018S0008/2018 registered at Police Station-C.B.I., A.C.B. Raipur, District – Raipur (C.G.), for the offence punishable under Sections 420, 406, 409, 477(A) of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant had been the Manager of Sewa Shahkari Samiti, Dhuma, and also the signatory of the cheque in question, for which he was having prior approval and authorization of the Chairman of the society. The amount that was

withdrawn was handed over to the Chairman. Presently the case has been investigated and charge-sheet has been filed before the Court and therefore there is no requirement of any custodial interrogation of this applicant. Hence, it is prayed that he may be released on anticipatory bail.

3. Learned counsel for respondent/CBI opposes the bail application and the submissions made in this respect. It is submitted that this applicant had deliberately avoided process of the Court in giving appearance when he was summoned. Apart from this, there is no ground in his defence to show that he has not committed these offences. In these circumstances, his application is liable to be rejected.
4. Heard the parties and perused the case diary.
5. According to prosecution case, this applicant in his capacity as Manager of the Sewa Sahkari Samiti, Dhuma made a withdrawal of Rs.1,75,000/- from the bank account of the society and thereby misappropriated the said amount. Hence, this case.
6. As the investigation has been completed and the applicant is only required to remain himself present before the trial Court, therefore, there does not appear any ground for his arrest or detention and for this reason, I am of this view that this is a fit case where applicant should be released on anticipatory bail .
7. 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 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