

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 123 of 2019**

Rishi Kumar Dubey, S/o. Shri Onkareshwar Dubey, Aged About 38 Years, Saving Bank Clerk, large Multipurpose Society, Lalpur Pendra Road Guorela, District Bilaspur Chhattisgarh. R/o Ward No. 12, Bus Stand Lalpur, Mandpur, Lalpur Bilaspur District Bilaspur Chhattisgarh.

----Applicant**Versus**

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

---- Respondent**AND****M.CR.C.(A). No. 127 of 2019**

Bhagwan Singh Rathore, S/o. Shri Jiwanram Rathore, Aged About 50 Years, Saving Bank Clerk, Large Multipurpose Society, Lalpur, (Registered No. 3077), Village- Lalpur, Pendra Road, Gourela, District- Bilaspur, Chhattisgarh, R/o Ward No. 19, Lalpur, Mandpur, Lalpur, Bilaspur, District- Bilaspur, Chhattisgarh.

----Applicant**Versus**

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

---- Respondent

For Applicants	: Mr. Pushkar Sinha, Advocate
For Respondent	: Mr. B. Gopa Kumar, Asst. S.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/02/2019**

- Both the applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
- Apprehending arrest in connection with Crime No.RC1242018S0009/2018, registered at Police Station – C.B.I., A.C.B., Raipur, District – Raipur (C.G.) for offence punishable under Section 420, 406, 409, 477 (A) of the Indian Penal Code, the

applicants have preferred these applications for grant of anticipatory bail.

3. It is submitted by the learned counsels for the applicants, that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present on record. The applicants were not authorized persons to make any withdrawal from the bank and neither they are recipient of any amount withdrawn by the superior authority of Local Area Multipurpose Society. Therefore, it is prayed that the applicants may be enlarged on anticipatory bail.
4. Per contra learned State counsel opposes the applications for grant of bail and the submissions made in this respect. It is submitted that in the enquiry made by CBI, the applicants have found responsible for the embezzlement of the funds of the society, therefore, they are not entitled for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. It is alleged that these applicants along with other co-accused persons have embezzled the funds of the society to the tune of Rs.9,94,535. Hence, this case.
7. Considered the submissions made and the contents of the case diary. Considered on the entire material present in the case diary, as informed that charge-sheet in this case has been filed in this case and there is no requirement of any custodial interrogation of these applicants and the only requirement is this that the applicants have to appear before the trial Court and face trial, hence for this

reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

8. Accordingly, both the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge