

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 166 of 2019

- Mahaveer Prasad Tiwari S/o Late Shri Prayagdeen Tiwari, Aged About 58 Years, Incharge Society Manager, Sewa Sahakari Samiti, Sarhar (Registered No. 282), District Janjgir-Champa Chhattisgarh R/o Village Sarhar, Post Sarhar, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Inspector of Police, CBI, ACB, Chhattisgarh Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Cetral Bureau of Investigation Anti Corruption Branch, Chhattisgarh O/o Superintendent of Police, Village Dharpura, VIP Road, Near PTS Chowk, Mana Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicants

For Applicant – Shri Vinay Pandey, Advocate.

For Non-applicant No.2/C.B.I. – Shri B. Gopa Kumar, A.S.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-04-2019

1. Apprehending arrest in connection with Crime No.RC1242018S0006/2018 (Special Criminal Case No.9054/2018), registered before Inspector of Police, CBI, ACB, Raipur Chhattisgarh for offence punishable under Section 420, 406, 409, 477-A of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. In fact, Puniram, the clerk of the society Sewa Sahakari Samiti Sarhar, was the person who has embezzled the amount withdrawn, regarding which a complaint was made and enquiry was made by the State police. Later on, when by orders of this Court the C.B.I. has investigated this case, this applicant has been arrayed as accused without any basis or evidence. Although the applicant is responsible as a Manager of the said society, but he cannot be held criminally responsible. Further, the

investigation is now complete and charge sheet has been filed, therefore, there is no need of custodial interrogation, hence, because of apprehension of arrest this applicant is praying for grant of anticipatory bail.

3. Learned counsel for the C.B.I. opposes the application and submits that according to the audit report made and the investigation done by the C.B.I., the applicant is the person responsible for making withdrawal from the bank and also responsible to see that the amount withdrawn is utilized, regarding which there is no entry in the records maintained of the society. Therefore, this applicant is directly responsible for offence of embezzlement committed in this case.

4. Heard learned counsel for the parties and perused the case diary.

5. Sewa Sahakari Samiti Sarhar had the responsibilities of granting agricultural loans, purchasing paddy, distributing rations and other things according to the schemes of the Government. In the audit made it was found that amount of Rs.3,50,000/- was withdrawn from the saving bank account of the Samiti, regarding which no entry was made in the account and register maintained by the society. Therefore, the allegation is this, that this amount is embezzled by the persons concerned.

6. After perusing the entire material present in the case diary particularly this fact that after completion of the investigation there is no need of custodial interrogation of this applicant and he has to only appear and face the trial in the case against him, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge