

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 157 of 2019**

Rajesh Gupta S/o Lala Ram Gupta Aged About 45 Years Caste Baniya R/o In Front Of Agrasen Bhawan Pendra P. S. And Tahsil Pendra District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P. S. Pendra District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri F.S. Khare, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.02.2019**

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. 428 of 2018, registered at Police Station – Pendra, District Bilaspur, Chhattisgarh for the offences punishable under Sections 420, 468 and 471/ 34 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 was a daily-wages employee and working as Data Entry Operator. He is not responsible for any commission of offence which is alleged to have been committed and he is not the beneficiary of the amounts defaultated. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant in collusion with the other accused persons, namely, Prakash Kumar Mahilange manipulated the entries for embezzlement of public fund. Hence, the applicant is not entitled for grant of anticipatory bail.

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

6. FIR has been lodged by the Chief Executive Officer, Janpad Panchayat, Pendra specifically alleging that this applicant and the co-accused persons have conspired to embezzle the funds of Pradhan Mantri Awas Yojna which has been established in the enquiry made departmentally.

7. After perusing the enquiry report present in the case-diary and the other evidence present, I do not feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi