

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 194 of 2019

- Vinay Singh S/o Praduman Singh, Aged About 30 Years, R/o Pachawal, Post Maharajganj, Police Station - Balrampur, District - Balrampur - Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station - Chando, District - Balrampur - Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Akath Kumar Yadav, Advocate.

For Non-applicant/State – Shri Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-02-2019

1. Apprehending arrest in connection with Crime No.35/2017, registered at Police Station – Chando, District - Balrampur-Ramanujganj, Chhattisgarh for offence punishable under Section 409 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. The applicant has no criminal history. According to the agreement between the applicant's society and the State, any shortage that may be found in the transaction of purchase of paddy etc. that has to be remedied from commission amount which is to be received in the paddy purchase. It is submitted that the shortage found in this case is worth Rs.7,42,316/-, whereas, commission for paddy purchase has been calculated as Rs.9,59,772.70 which may be adjusted by the State. It is submitted that there is no evidence that the applicant has himself misappropriated the shortage found in the paddy. In a similar case, this Court has granted anticipatory bail to the Assistant Manager of the Samiti in MCRCA No.1310 of 2018 on 12-11.2018 therefore, it is prayed that this applicant may be granted anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that from physical verification of the stock it s been clearly found that the applicant is the person responsible for the embezzlement. Therefore, he is not entitled for grant of anticipatory bail.

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

5. The applicant is Assistant Manager of the society at Chando. On verification of stock on 16-03-2017 a shortage of 491.60 quintal rice was found which was of value of Rs.7,42,316/-. Hence, this case.

6. The shortage found in the inspection can be recovered from the applicant departmentally. After considering on the entire facts and circumstances of this case, I am of this opinion that the applicant should be granted anticipatory bail.

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

Aadil