

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 220 of 2019**

Mahadev Prasad Gupta S/o Shri Sonai Prasad Gupta Aged About 58 Years
By Caste Baniya, R/o Village Ward No. 4, Kelhari, Thana Kelhari, Tahsil
Manendragarh District Koriya Chhattisgarh, District : Koriya (Baikunthpur),
Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through Police Station Kelhari, District Koriya
Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Parag Kotecha, Advocate.
For the Respondent/State : Shri I. Lakra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.03.2019**

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. 5 of 2019, registered at Police Station – Kelhari, District Koriya, Chhattisgarh for the offence punishable under Sections 409 and 420 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. None of the funds have been misappropriated by this applicant even then he has

made good the loss caused to the State by depositing Rs.2,83,657/- by challan with the State treasury. The applicant is a Headmaster and thus, employed as a Public Servant. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

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

6. As the allegation is that this applicant misappropriated the funds allotted by the State Government for providing mid-day meals to the students, to the tune of Rs.2,53,495/-. On demand made by the department, the applicant has made the deposit of the amount with interest in State treasury.

7. Considering the entire material present in the case-diary and on perusing the copy of the challan filed by the applicant showing the deposit made by him, I am of the opinion that the present is a fit case where the applicant is entitled to be released on anticipatory bail.

8. 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 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge