

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 258 of 2019

- Hetram Chouhan, S/o Puniram Chouhan, aged about 58 Years Presently Working As Assistant Commissioner, Tribal Development, Janjgir, District-Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station-Baloda, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant : Mr. K.K. Pandey, Advocate.

For Respondent : Mr. Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

11/03/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.178/2018 registered at Police Station-Baloda, District-Janjgir-Champa(C.G.), for the offence punishable under Sections 409, 419, 420, 467, 468, 471, 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. This applicant has simply approved the proposals moved by the Nodal Officers for sanction of scholarship to the students of various schools, which were operating in the District. On that basis, the amount that was disbursed has been misappropriated by the

persons concerned, who were responsible for disbursing the same to the beneficiaries, in which, this applicant has played no part, hence, it is prayed that application be allowed.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that a number of schools were closed down since 2012, despite this fact the proposals were moved in connivance with this applicant and the funds were withdrawn from the State Exchequer at the instance of this applicant which has been misappropriated by all the persons concerned, therefore, application be rejected.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged on the basis of audit report, which shows that during the period starting from 1996-2016 funds were released on the basis of proposals moved by the Nodal Officer by this applicant in his official capacity, which were to be distributed as scholarships to the beneficiaries the students of the concerned schools, but the same was not disbursed to any of the beneficiaries and has been embezzled.
6. As it appears, that no specific departmental inquiry has been conducted in this case giving this applicant an opportunity to make a defence and order has been passed for lodging of FIR by the department concerned and also for the reason that similarly placed co-accused person has been granted anticipatory bail by this Court, I feel inclined to grant anticipatory bail to the applicant.
7. 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 his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge