

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 267 of 2019

- Ishwar Singh Deshmukh, S/o Shri Moghan Singh, aged about 36 Years, R/o Parri, Post Badgaon, P.S. Dondilohara, District-Balod Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station-Dondilohara, District-Balod Chhattisgarh.

---- Respondent

For Applicant : Mr. Shikhar Bakhtiyar, Advocate.

For Respondent : Mr. I. Lakda, Dy. Govt. Advocate.

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

06/03/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.12/2019 registered at Police Station-Dondilohara, District-Balod(C.G.), for the offence punishable under Sections 420, 408 & 409/34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant is a public servant working as Rojgar Sahayak. The allegation regarding preparation of forged muster-roll is totally false and baseless as that was not the responsibility of this applicant. The applicant was

dismissed from his service, subsequent to the complaint but his representation has been allowed and he has been reinstated in the service, regarding which documents are filed and in the connected case, the applicant has been granted anticipatory bail by this Court, therefore, 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 there is need of custodial interrogation of the applicant as well as his co-operation in the investigation as because of his non-availability the investigation has made no progress, therefore, the application be rejected.
4. Heard both the parties and perused the case diary.
5. Chief Executive Officer, Zila Panchayat, Balod has sent a communication to Chief Executive Officer, Zila Panchayat, Dondilohara for lodging the FIR against the applicant and other co-accused in the matter of embezzlement of Rs.1,23,668/- by preparing a forged muster-rolls.
6. On perusal of case diary, it has appeared that there is requirement of the applicant for custodial interrogation and the evidence collected so far shows the responsibility of the applicant in the commission of offence, therefore, I do not feel inclined to grant anticipatory bail to this applicant.
7. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge