

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 437 of 2019**

Raghunandan Lal Sinha, S/o. Late Shri Mayaram Sinha, Aged About 63 Years, R/o. Nagri, Post - Nagri, Tahsil - Nagri, District Dhamtari Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Nagri, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant	: Mr. Goutam Khetrapal, Advocate
For Respondent	: Mr. Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/04/2019**

1. Apprehending arrest in connection with Crime No.33305049190028/2019, registered at Police Station – Nagri, District – Dhamtari (C.G.) for offence punishable under Section 409, 420, 120-B, 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned 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 present in the case diary. On the basis of the allegation against the applicant and one another, earlier the departmental enquiry was completed and enquiry report was submitted by one Ganvir Dhanshil, Sub-Divisional Officer/Enquiry Officer on 13.07.2017, the applicant then raised objection on the enquiry itself. This objection was entertained by the Chief Conservator Officer and fresh charge-sheet has been issued against the applicant on 18.07.2018, which

shows that enquiry has been re-initiated and the earlier enquiry has been set-aside even then without any making reference to the re-opening of the departmental enquiry against the applicant, correspondence has been given to the Superintendent of Police, Dhamtari on 26.02.2019, which is based on the inquiry report dated 27.02.2017, which is no longer in existence. It is prayed that the FIR is baseless and can not be investigated on account of development that has taken place. Therefore, it is prayed that the applicant be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is clear finding in enquiry report on 2017 that this applicant is responsible for defalcation of huge amount of Rs.44,44,649/-, therefore, he is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. On perusal of the documents filed along with the application, it is clear that enquiry report of which the information was given to the police for lodging of FIR is no longer in effect as departmental enquiry has been re-opened against the applicant, therefore, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
7. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram