

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 462 of 2019**

Siraj Ahmad Khan S/o Mohd. Jamil Khan Aged About 59 Years The Then Posted As Naib Nazir, District Court , Balod, District Balod, Chhattisgarh At Present R/o Takiyapara, Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Balod, District Balod, Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 465 Of 2019**

Siraj Ahmad Khan S/o Mohd. Jamil Khan Aged About 59 Years The Then Posted As Naib Nazir, District Court, Balod, District - Balod Chhattisgarh At Present R/o Takiyapara, Durg District Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through The Station House Officer, Police Station - Balod District Balod Chhattisgarh., District : Balod, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Goutam Khetrapal, Advocate.
For the Respondent/State	:	Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.04.2019**

Heard.

- Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicant for grant of anticipatory bail, who is apprehending arrest in connection with Crime Nos.543 of 2015 and 550 of 2015 registered at Police Station – Balod, District Balod, for the offence

punishable under Section 409 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. No case is made out against the applicant under Section 409 of the IPC. The applicant sought information under Right to Information Act from Public Information Officer, District Court, Balod regarding his tenure of posting in Balod and he was informed that there is no such record available in District Court Balod whereas, the applicant was posted as Naib Nazir in Civil Court, Balod on 3.7.2006 and thereafter, he was transferred to the Court of Additional District Judge, Durg on 1.3.2013. There is no evidence to show that he has embezzled or misappropriated any amount which was entrusted to him in both the cases. Hence, it is prayed that the applicant in both the cases is entitled for grant of anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that in M.Cr.C.(A) No. 462 of 2019, the applicant was posted as Naib Nazir in Civil Court, Balod and during that period, he was entrusted with various properties including cash of Rs.2,27,358/- which he has embezzled, misappropriated and not handed over the charge to the successor. Hence, it is prayed that the applicant is not entitled for grant of anticipatory bail in this case.

In M.Cr.C.(A) No. 465 of 2019, learned State counsel submits there is clear evidence against the applicant that he has temporarily embezzled the amount of cash found in the cash box which he was responsible to deposit in treasury in time. Hence, no case is made out for grant of anticipatory bail to the applicant in this case.

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

5. In M.Cr.C.(A) No. 462 of 2019, the Officer In-charge of Malkhana, District Balod has informed the police station Balod and on the basis of which, FIR has been lodged. It is alleged that this applicant during his tenure as Naib Nazir of Malkhana was entrusted with various properties. When the applicant was transferred in the year 2013, he handed over the charge to successor - Devesh Shukla, in which he did not handover the charge of cash of Rs.2,27,358/- which was found in the inspection made. The applicant has not responded to the queries made in the enquiry and on that basis, the matter has been initiated.

In M.Cr.C.(A) No. 465 of 2019, after handing over the charge of his office of Naib Nazir, Civil Court, Balod, the person taking charge found cash amount of Rs.21,823.55 in the cash box regarding which, no entries were made in any of the records and the cash amount was unaccounted for, therefore, the FIR has been lodged in this case.

6. Considering the entire material present in the case-diary, I do not feel inclined to grant anticipatory bail to the applicant in both the cases.

7. Accordingly, the bail applications filed by the applicant in both the cases under Section 438 of the Cr.P.C. are rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge