

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 743 of 2019**

- Dr. B. K. Jha S/o Late Shri Laxmikant Jha Aged About 59 Years Occupation- Principal Jawahar Navodyay Vidyalaya, Bisahi P.O. Pipeahi, District- Shivhar (Bihar), Permanent Residence At Professor Colony Bandh Para Post-Dumka, Jharkhand.

---- Applicant**Versus**

- State Of Chhattisgarh Through C.B.I. ACB Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Binu Sharma, Advocate.
For Respondent/State	: Shri B. Gopa Kumar, A.S.G.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****20/11/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. RC1242017A0005/CBI registered at Police Station CBI, ACB, Raipur, (C.G.) for the offence punishable under Sections 120-B, 409, 420, 477(a), 201, 467, 468, 471 of Indian Penal Code and Sections 13 (1) (D) & 13(1)(C) R/w Section 13(2) of Prevention of Corruption Act, 1988.
2. Facts of the case in brief is that, a written complaint has been lodged by one B.C. Panda, Vigilance Officer and Assistant Commissioner,

Navodaya Vidyalaya Samiti. On 05.04.2017, it has been alleged that present Applicant B.K. Jha was the Principal and co-accused Sachin Mishra was U.D.C. at Navodaya Vidyalaya, Malhar, Bilaspur. During the said period, audit was conducted and as per the audit report, allegedly, about Rs. 1,17,33,085/- government fund has been embezzled by the present applicant (Principal) and co-accused Sachin Mishra (U.D.C). On the basis of the said report, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. She further submits that the alleged act has been committed by co-accused Sachin Mishra, U.D.C. and not by present applicant, therefore, *prima facie*, no case is made out against present applicant. She further submits that co-accused himself has confessed that alleged act has been committed by him only. Present applicant has played no role in the misappropriation of the government fund. Applicant is the Principal of Navodaya Vidyalaya and a reputed person. Therefore, it is prayed that he may be granted benefit of anticipatory bail.
4. Learned Assistant Solicitor General opposes the bail application. Looking to the F.I.R. as well as materials collected by the prosecution, he submits that it is a case of embezzlement of government fund of Rs. 1,17,33,085/- . He further submits that there is sufficient material available on record against present applicant, therefore, he should not be granted anticipatory bail.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that it is a case of embezzlement of government fund of Rs. 1, 17,33,085/- and there is sufficient material available on record against present

applicant, therefore, in my considered opinion, I am not inclined to extend the benefit of anticipatory bail to the present applicant.

7. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge