

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 736 of 2019

- Narendra Kumar Dewangan S/o Late Lakhan Lal Devangan, Aged About 58 Years, R/o Village Sivni, Police Station Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

MCRCA No. 839 of 2019

- Deepak Pannalal S/o Late H. R. Pannalal, Aged About 58 Years, Proprietor J. P. Drugs, R/o H. No. 9, Shri Ji Kalpatru Amlideeh Raipur, P.S. New Rajendra Nagar, Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

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

--- Non-applicant

For Applicant – Shri Vivek Sharma, Advocate (in MCRCA No.736 of 2019),
Smt. Smita Jha, Advocate (in MCRCA No.839 of 2019).
For Non-applicant/State – Shri Devendra Pratap Singh, Dy. Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-07-2019

1. As both these applications arise out of the same crime number, i.e., Crime No.147/2019 registered at P.S. Balod, District Balod, Chhattisgarh, for the offence under Sections 409, 420, 467, 468, 471, 34 of the IPC, they are being decided by this common order.
2. These applications have been filed under Section 438 of the Cr.P.C. by the applicants for grant of anticipatory bail as they are apprehending their arrest in connection with aforesaid crime number and offence.
3. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out. Applicant

Narendra Kumar Dewangan (applicant in MCRC No.736 of 2019) is A.G.-III in Tribal Welfare Department at Balod and applicant Deepak Pannalal (applicant in MCRC No. 839 of 2019) is supplier to whom the order of tricycle were given by the department. The supplier had supplied 85% of the articles in the order placed to him and the complaint is only to this extent that the bills were prepared for payment of the complete supply, whereas, the supplier had intended to complete the supply as soon as possible, however, because it was end of financial year therefore the bill was prepared in advance and the payment was made in advance and there was no intention to misappropriate any of the Government fund. Therefore, it is prayed that these applicants may be benefited with grant of anticipatory bail.

4. Learned counsel for the State/non-applicant opposes the applications.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the case, the order was placed by Tribal Welfare Department to applicant Deepak Pannalal, proprietor of JP Drags for supply of 60 motorized tricycles and 50 tricycles. It is alleged that supplier has made supply of only 90 tricycles, even then applicant Narendra Kumar Dewangan in capacity of clerk of the department had prepared the payment of bills against the complete supply and thereafter payment had been made.

7. The documents filed by the applicant Narendre Kumar Dewangan disclose that applicant Deepak Pannalal had approached the superior authorities making a complaint that supply of articles is not being received by the department because of closure of finance year, because of which correspondence was made. After overall consideration on facts and circumstances of the case, I feel inclined to allow both these applications.

8. Consequently, both these anticipatory bail applications are allowed. It is directed that in the event of arrest of these applicants in connection with the

aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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.

These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge