

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 782 of 2019**

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

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Vivek Sharma, Advocate.
For the Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.07.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 159 of 2019, registered at Police Station – Balod, District Balod, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 471 and 472, 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant was posted as Deputy Director of Social Welfare Department, Balod. Because of some misconception, the

bill was prepared for payment of Rs.1,98,878/- for the supply of certain articles. As the articles were not supplied and soon after it was realized, the bill was withdrawn from payment, no money was released and as such, no offence was committed. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the bill for payment was prepared with a fraudulent intention at the behest of this applicant which could not materialize because it was discovered. Hence, he is not entitled for grant of anticipatory bail.

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

6. According to the prosecution case, by the orders of this applicant a bill for payment of Rs.1,98,878/- was prepared against supply of stationery items by co-accused - Smt. Hemlata Jain. Later on, it was discovered that no supply was made. Hence, the FIR has been lodged.

7. After considering the entire material present in the case-diary and also considering the fact that the bill raised was never en-cashed and no loss was caused to the State Exchequer, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and 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. He 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 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge