

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 873 of 2019**

Naresh Bafna, S/o. Late Rekhchand Bafna, Aged About 48 Years, R/o. Lohar Chowk, Old Basti, Raipur District Raipur Chhattisgarh.

**----Applicant****Versus**

1. Renu Mishra, D/o. Late Surendra Mishra, so Call President Of Priyadarsini, Mahila Sahkari Samiti, Annapurna Dalbhat Kendra, Raipur, District Raipur Chhattisgarh.
2. State Of Chhattisgarh, Through : Station House Officer, Azad Chowk, Raipur District Raipur Chhattisgarh.

**---- Respondents**


---

|                      |                                 |
|----------------------|---------------------------------|
| For Applicant        | : Mr. Indira Tripathi, Advocate |
| For Respondent No.1  | : Ms. Reena Singh, Advocate     |
| For Respondent/State | : Mr. Shubhash Yadav, Dy.G.A.   |

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****05/07/2019**

1. Apprehending arrest in connection with Criminal Complaint Case No. Unregistered/2018, pending before the Court of Special Railway Magistrate, Raipur, District – Raipur (C.G.) for offence punishable under Section 406 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. Earlier application under Section 156 (3) of Cr.P.C. was

filed by the complainant before the Court below, which was rejected vide order dated 04.08.2017. The revision was filed against this order has also been dismissed. Subsequent to that after recording of statement of witness under Section 200 of Cr.P.C., the offence has been registered against the applicant without any basis. The complainant has styled herself as President of Priyadarshani Prathmik Sahkari Upbhokta Bhandar, Kota and because of defalcation made by her, Food Inspector has recommended lodging of FIR against the complainant by a memo dated 16.02.2018 to Collector, Raipur. Which was a counter blast of the complaint made by this applicant filed as Annexure A-8, therefore, the applicant has falsely been implicated in this criminal complaint. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Counsel for the complainant/respondent No.1 submits that although there was no substance found for passing order under Section 156 (3) of Cr.P.C.. After making an enquiry under Section 200, the Court below has found substance in the allegation made against this applicant and on that basis cognizance has been taken and process has been issued against the applicant.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Complaint has been filed against the applicant making allegation that he was entrusted with 300 quintals of rice and after the partial use of that rice in Rajyotasava, the remaining 180 quintals was to be returned to the complainant. The complainant has come to know that the applicant has sold the rice under his entrustment and has misappropriated the sale proceeds.

6. After perusing all the documents filed along with the application and the rejection order by the Court below, it appears that the witnesses have given statement making allegation against this applicant regarding commission of offence, therefore, no extra ordinary case is made out for grant of anticipatory bail.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Balram