

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 932 of 2019**

Rupesh Kumar Minj, S/o. Kapileshwar Minj, Aged About 27 Years,
Resident of Plot No. 1 Devika Vihar Rajkishornagar, Lingyadih, Thana-
Sarkanda, District- Bilaspur, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station- Tarbahar, District-
Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pandey, Advocate

For Respondent : Mr. Samdarsh Nirankari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****28/06/2019**

1. Apprehending arrest in connection with Crime No.33/2019, registered at Police Station – Tarbahar, District – Bilaspur (C.G.) for offence punishable under Section 420, 409 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. The applicant was employed as supervisor of foreign liquor shop and because of some shortage found in the audit, the applicant has been falsely implicated in this case alleging that he has embezzled the amount. The applicant has not committed any

offence. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is direct evidence present in the case diary in the form of audit report against the applicant, therefore, he is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the FIR lodged, this applicant in capacity of supervisor of foreign liquor shop firstly embezzled Rs.12,11,780/-, when it was discovered, the applicant admitted his guilt and made refund of Rs.5,99,000/-. He was again given placement in the job and he continued in his employment, however, he has made again embezzlement of Rs.2,57,660/- in the current session and in total he has embezzled an amount of Rs.8,70,440/-. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Looking to the facts and circumstances of the case and the material present in the evidence collected in the investigation so far, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge