

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 1237 of 2019**

- Jeevan Prakash Kujur S/o Late Shri Ignesh Kujur Aged About 56 Years R/o H.No. 383, Deopuri, Raipur, Tahsil And District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Lines, Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri B.D. Guru, Advocate.

For Respondent/State : Shri Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****14/10/2019**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 382/2019 registered at Police Station Civil Lines, Raipur, District – Raipur, (C.G.). for the offence punishable under Section 409 of I.P.C.
2. As per the prosecution story, in the year 2005 present Applicant was posted as Sub-Inspector in Police Station Civil Lines, Raipur. During the period 15.04.2005 to 21.04.2005, he investigated the Crime No. 203/05 for the offence punishable under Sections 420, 467, 468 & 471 of the Indian Penal Code. During investigation, he seized some ornaments, mobiles, watch, other articles and cash amounting Rs. 8,600/-. After completion of investigation, charge-sheet was filed before the competent Court and after completion of trial, trial Court acquitted the accused and it was directed by the trial Court that seized articles should be returned back to the acquitted accused. When accused made a request in the police station for return of the articles,

it was found that no entries were made in the Malkhana registered regarding deposition of the seized articles in Malkhana. On the basis of the said, F.I.R. has been lodged against the present Applicant for the offence punishable under Section 409 of the I.P.C.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that the incident is of year 2005 and after seizure of the articles, Applicant handed over all the properties to the Malkhana Moharrir but he did not make entries in this regard in Malkhana register. Therefore, present Applicant is not the person who is responsible for the alleged offence. It is further submitted that, Applicant is a Police Official and presently working in Economic Offences Wing. Therefore, *prima facie*, no offence can be made out against the present Applicant and also there is no requirement of police interrogation for the Applicant. He further submits that there is no chance of absconding of Applicant. Therefore, Applicant may be granted anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
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 and further considering the fact that incident took place in the year 2005, Applicant is a police official posted at Economic Offences Wing and there is no chance of his absconding, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting

Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge