

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1265 of 2019**

- Vijay Kumar Kashyap S/o Shri Ramawtar Kashyap Aged About 53 Years R/o Village - Shankargarh, Thana Shankargarh, District Balrampur Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Shankargarh, District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sunil Sahu, Advocate.
For Respondent/State	: Shri Shubham Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****03/12/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 16/2014 registered at Police Station Shankargarh, District – Balrampur-Ramanujganj, (C.G.) for the offence punishable under Section 409 of I.P.C.
2. As per the prosecution story, on 04.02.2014, a written complaint has been made by one Samaylal, Society Manager, Office of Jila Sahakari Kendriya Bank Maryadit, Ambikapur, Branch Kushmi, with the averments that in the year 2012-13, present applicant who is working as Assistant Manager, purchased total 50,442.40 quintals of paddy and out of which 43,556.38 quintals of paddy was lifted from the said

Sahakari Samiti and thereby misappropriation of 6,886.02 quintals of paddy amounting Rs. 88,14,105.60/- has been committed by the present applicant. On the basis of the said, offence has been registered.

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 F.I.R. has been lodged in the year 2014 and till now there is no material available regarding embezzlement or misappropriation of Rs. 88,14,105.60/- by the applicant. He further submits that as per the document annexed as A/5, total 50442.40 quintals of paddy has been purchased and out of which 48116.60 quintals of paddy has been lifted and 2325.80 quintals of low standard paddy was left. As per the document annexed as A/3, low standard paddy was ordered to be auctioned and in the said auction, 2325.80 quintals of paddy was sold to one Anil Kumar as annexed in A/4. Thus, no misappropriation of paddy was done by the applicant. Applicant has also given the detailed explanation in this regard to the police. Therefore, *prima facie*, no offence can be made out against present applicant. Looking to the above, it is prayed that applicant may be granted benefit of 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, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that F.I.R. has been lodged in the year 2014, applicant has given detail explanation to the police regarding the above transactions and as per the information given by the applicant, it seems that no misappropriation has been done by him, therefore, 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