

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1630 of 2019

- Ghanshyam Singh Kanwar S/o Shri Alkhuram Kanwar Aged About 56 Years R/o Sheetla Para, Nawagarh, Tehsil And District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gobra Nawapara, Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Kashif Shakeel, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

19/12/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 381/2019, registered at Police Station Gobra Nawapara, Distt. Raipur (C.G.) for the offence punishable under Section 409 of the IPC.
2. As per prosecution story, the applicant was posted as *Maal Moharrir* in P.S. Gobra Nawapara for the period 2012 till 14.01.2019. Thereafter, he has been transferred from there to P.S. Ajak Raipur. He without giving a charge of Maalkhana relieved from his workplace and joined P.S. Ajak Raipur. On 27.08.2019, he handed over the charge of Maalkhana to constable Gendlal Patel. It was found that one gold chain, one mobile phone, two silver medals, cash of Rs. 84,383 and other articles were missing from the Maalkhana. Thereafter, the matter was reported by SHO. On the basis of said

background, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. After transfer order, the applicant has relieved the P.S. Gobra Nawapara. He has given a charge of Maalkhana on 27.08.2019. He has no knowledge about the missing articles. The matter required departmental enquiry but directly an FIR has been lodged. The applicant is a government servant and there is no chance of his absconding. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the applicant is a government servant and he has handed charge of said Maalkhana after 6-7 months of his transfer. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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/her from disclosing such facts to the Court or to any police officer;

- III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-

(Arvind Singh Chandel)
Judge