

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1691 of 2018**

Virendra Singh, S/o. Late Rampukar Singh, Aged About 52 Years, R/o. Kuber Mohalla, Ward No. 3, Tehsil Police Station Janjgir , District : Janjgir-Champa, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Shakti, District : Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vaibhav P. Shukla, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****07/01/2019**

1. Apprehending arrest in connection with Crime No.584/2018, registered at Police Station – Shakti, District – Janjgir-Champa (C.G.) for offence punishable under Section 420, 409 r/w. Section 34 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 working as Accountant between 2006 to 2009 in the office of District Women and Child Development Office at Sakti, District – Janjgir-Champa. The main allegation of embezzlement is against the Woman Child Development Officer Ku.

Shail Thakur, who has been benefited with grant of anticipatory bail by this Court. This applicant has worked only according to the instruction given to him by his officer and he is not responsible for the offence committed if any, besides the case is about 10 years old and the applicant is a public servant, therefore, it is prayed that the applicant may be enlarged on 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 this applicant had played an important role in the embezzlement of government fund, 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. Between the year 2006 – 2009, this applicant was posted as Accountant in the office of District Women and Child Development Office in Sakti, District -Janjgir-Champa. It is alleged that an embezzlement of Rs.11,99,821/- have been taken place for which this applicant and the co-accused Ku. Shail Thakur were held responsible in the preliminary enquiry made by the department.
6. Considered the submissions and the contents of the case diary. Initially this applicant was held responsible later on co-accused Ku. Shail Thakur was held responsible by the department. As the investigation is pending and the department has taken long time in lodging the FIR and the co-accused has been granted anticipatory bail appears to be similarly placed, hence for this reason, this Court is 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 allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge