

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1733 of 2018**

Shivkumar Prasad S/o Shri Beer Singh, Aged About 54 Years R/o Village Narmadapur, P.S. Kamleshwarpur, Tahsil Narmadapur, District Surguja Chhattisgarh Present Address Govt. Quarter, Surajpur, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S.H.O. Police Station Pratappur, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Vivek Tripathi, Advocate.
For the Respondent/State : Shri A.N. Bhakta, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.01.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 6 of 2018, registered at Police Station – Pratappur, District Surajpur, Chhattisgarh for the offences punishable under Sections 196, 197, 198, 409, 420, 477A, 418, 466, 467 and 468/ 34 of the Indian Penal Code.
3. It is submitted by 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 placed before the Court by the prosecution. The

applicant was Assistant Director of Agriculture in Ambikapur where it is alleged that the defalcation of huge amount had taken place. However, the applicant had handed over the charge on 19.2.2009 subsequent to his transfer from that place hence, this shows that he was never involved in the said defalcation and financial irregularities. The applicant is a public servant and his arrest and detention will reflect upon his career. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant avoiding arrest and he is the key person in the commission of offence of huge financial irregularities and misappropriation of public funds regarding which he is required to be interrogated in custody of police with regard to some important documents. Hence, the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. The case against the applicant is that while he was posted as Assistant Director Agriculture in the concerned Department between the year 2008-2010 the funds for the National Food Security Scheme were defalcated and huge amount in crores of rupees have been misappropriated by the concerned for which this applicant has also been held responsible.

7. Considered on the material present in the case-diary and for the reason that there appears to be requirement of custodial interrogation. Hence, for these reasons, I am of the view that the applicant does not

deserve to be released on anticipatory bail.

8. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi