

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 103 of 2020

- Uttam Kumar Patel S/o Raghuveer Singh Aged About 50 Years
Caste - Aghariya, R/o Village - Dimani, Tahsil Shakti, District Janjgir
Champa Chhattisgarh. Present Address Deputy Jail Superintendent,
Central Jail Bilaspur, District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Tapkara, Police Chauki - Kardega, District Jashpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Kishore Bhaduri and Mr. Rishi Rahul Soni, Advocates.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

28/01/2020

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. 0/2019, registered at Police Outpost Kardega, Police Station Tapkara, Distt. Jashpur (C.G.) for the offence punishable under Sections 420, 409, 467, 468 & 120-B of the IPC.
2. As per prosecution story, complainant Sadai Ram made a complaint before Superintendent of Police stating therein that he and his wife Bhimati Bai having two sons and the younger son Niranjana Yadav killed his mother (Bhimati Bai) and for that he is serving jail sentence in Central Jail Ambikapur, during the period of jail sentence, as per the Rules of Jail, 50% of the income of the prisoners has to be received from their relatives and therefore, on 02.03.2015, the complainant Sadai Ram Yadav received one installment from the jail of Rs. 6354/- through cheque and withdrawn the same from the bank

and after that since long time laps, no amount has been received by the complainant from the Jail, therefore, he went to jail in the year 2018 and after enquiry, he found that the amount of Rs. 21,200/- has already been withdrawn by one lady namely Nisha Yadav by showing herself daughter of Sadai Ram Yadav and the same has been withdrawn by preparing forged documents. Allegedly, the amount has been withdrawn by the present applicant in connivance with other co-accused Hotam Singh. 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 crime in question. He further submits that prima facie no case can be made out against the applicant. The applicant was posted as a Jail Superintendent from 07.05.2018 to 11.09.2018 before this period Rama Shankar Singh was posted as Assistant Jail Superintendent. In the year 2016 one Janardan Prisoners Welfare Society Raigarh was introduced for distribution of compensation amount to the prisoners' family. At the relevant period also this society was existed. In the posting period of the applicant, Hotam Singh was posted as in-charge of accounts and it was disclosed by Hotam Singh that the amount of compensation has not been paid to the prisoners' family from some days, thereafter, the applicant on the basis of note-sheet of meeting held by the committee, signed the cheques of remaining amount which were given to prisoners' family, therefore, no case can be made out against the present applicant. The Counsel further submits that there is nothing on record on the basis of which prima facie it is established that any amount has been received by the applicant. In departmental enquiry regarding compensation distribution, irregularity of Rs. 7,75,815/- has been found in part of the applicant, on 06.07.2019, as directed by the higher officials, the applicant has deposited the said amount through cheque and thereafter on the basis of written complaint made by the complainant FIR has been lodged.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
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 facts that the applicant being a Jail Superintendent signed the cheques and In departmental enquiry regarding compensation distribution, irregularity of Rs. 7,75,815/- has been found in part of the applicant which has already been deposited by the applicant through cheque thereafter FIR has been lodged by the complainant. Without further commenting on other merits of the case, I am inclined to 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. 20,000/- 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