

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 167 of 2020**

Benjamin Sikka, s/o. Shri Ishwardhan Sikka, aged about 44 years, occupation – Service, presently posted as Naib Tahsildar, Raipur, r/o. Raheja Green Pirda, Raipur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station Pithora, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. A.S. Kachhwaha, Advocate.
For Respondent/State	:	Mr. Vimlesh Bajpi, Govt. Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16-06-2020

Heard.

1. The applicant has preferred this bail application under Section 438 of Code of Criminal Procedure 1973 apprehending his arrest in connection with Crime No. 128 of 2019 registered at Police Station Pithora, District Mahasamund (C.G.) for alleged commission of offence under Sections 420, 467, 468, 471 & 120-B of IPC.
2. Case of the prosecution is that during the period of 2014 and 2015 applicant was posted and working as Patwari in the Tehsil Office Pithora, District Mahasamund. Though he received 3300 Rin Pustikas (Loan books) from the office of Collectorate, he

deposited only 2500 Rin Pustikas in the Tehsil office of Pithora and did not give any account or details of missing of 800 Rin Pustikas.

3. Learned counsel for the applicant would submit that the allegations against the present applicant are incorrect, as during period of 2014-2015, Rin Pustikas were issued from the office of Collectorate from time to time, apart from the applicant, there were other Patwaris who were also working. He would next submit that so far as present applicant is concerned, present applicant can only be proceeded against in any departmental action for any lapse but he is not involved in any criminality. Further submission of learned counsel for the applicant is that the applicant has undergone kidney transplant and he is required to take medical treatment. He would further submit that two other co-accused namely Rudraram Nagvanshi and Vipin Pradhan have been granted anticipatory bail by this court vide common order dated 29-11-2019 passed in M.Cr.C(A) Nos.1327 of 2019 and 1441 of 2019. He would also submit that an occasion to move anticipatory bail has arisen when in writ petition filed by the petitioner before this court, while granting interim protection against coercive steps, this court advised the petitioner to move application for anticipatory bail or regular bail.

4. On the other hand, learned counsel for the State opposes prayer and submits that the applicant is very much involved in missing of 800 Rin Pustikas and during investigation so far it has been found that some of the Rin Pustikas were issued for distributing are fake Rin Pustikas in favour of some persons. He

would further submit that not only the applicant, but many other employees who are receiving Rin Pustikas are also involved and investigation is going on. If anticipatory bail is granted to the applicant, at this stage, investigation may be affected.

5. On *prima facie* consideration and having considered the submissions of learned counsel for the parties and material available before this court, it has been found that the allegation against the present applicant is that number of Rin Pustikas have been found missing. Further, it appears that not only the applicant but number of other employees are also involved in the case. This court also found that two other co-accused have been granted benefit of anticipatory bail by this court, particularly Vipin Pradhan who was posted at Kanungo Branch who appears to be primarily responsible for keeping and distributing Rin Pustikas. Further the applicant appears to be suffering from ailment as he has undergone kidney transplant, therefore, in these circumstances, I am inclined to protect the applicant by an appropriate order of anticipatory bail.

6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the Arresting Officer and the applicant shall abide by all the following terms and conditions.

- (i) that the applicant shall make himself available for interrogation by a Police

Officer as and when required;

- (ii) that 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 facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he 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/-

(Manindra Mohan Shrivastava)

J U D G E

Raju