

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.497 of 2020**

- Paritosh Kumar Dubey S/o Shri Harischand Aged About 54 Years R/o Chc Colony Lormi, Police Station Lormi, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Lormi, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Respondent

Shri Manoj Paranjpe, counsel for applicant.
Shri Alok Bakshi, Additional AG for State.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****03/07/2020**

Heard.

2. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.83/2020, registered at Police Station–Lormi, District Mungeli for alleged commission of offence under Sections 420, 467, 468, 471 & 201 of IPC.

3. Case of the prosecution is that the applicant, while posted as AG-II in the employment, he kept on withdrawing amount from his GPF Account and in this manner, the applicant, for a long period, withdrawing huge amount, which is more than the amount, which was actually deposited in his GPF Account.

4. Learned counsel for the applicant submits that the applicant was informed that he withdrew excess amount from his GPF account, which has now been sought to be recovered against the present applicant. He submits that from 04-08-2018, under recovery orders, Rs.25,000/- per month is being deducted

from his salary and by now, Rs.4,50,000 has already been recovered. He submits that the applicant is not likely to abscond and he will fully cooperate with the investigation and any record or document sought from him, would be placed before the Investigating Officer.

5. On the other hand, learned State counsel opposed the prayer for grant of bail by submitting that the manner, in which, the applicant has withdrawn excess amount from his GPF account, clearly shows that he had full knowledge that he is withdrawing amount more than what is available in his GPF Account and thereby misappropriated government fund.

6. Taking into consideration the case of the prosecution and what has been stated by learned counsel for the applicant, prima facie, the applicant was having Rs.11,13,456/- in his GPF account, whereas he has withdrawn more than that amount in the name of part final withdrawal. Against the applicant, recovery has already been started from 04-08-2018 @ Rs.25,000/- per month from his salary and by now, Rs.4,50,000/- have already been recovered. Therefore, taking into consideration the entire aspect of the matter, I am inclined to grant anticipatory bail to the applicant subject to the following conditions:-

(A) The applicant shall deposit Rs.5 Lakh within one month with the department. In case, the applicant deposits such amount with the department, he shall be released on anticipatory bail on furnishing a personal bond for a sum of Rs.20,000/ with one surety in the like sum to the satisfaction of the arresting officer.

(B) He shall make himself available for interrogation by a police officer as and when required

(C) 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, *and*

(D) He shall cooperate with the investigation as and when he is called.

SD/-
(Manindra Mohan Shrivastava)
Judge