

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 522 of 2020

- Rustom Ansari S/o Ibrahim Ansari Aged About 36 Years Caste Julha, R/o District Program Coordinator, District Hospital Jashpur, District Jashpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Jashpur, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Shri Shakti Raj Sinha, Advocate.

For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

10/08/2020

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 71/2020 registered at Police Station Jashpur, District - Jashpur, (C.G.) for the offence punishable under Section 409 of the Indian Penal Code.
3. As per the case of the prosecution, applicant is working at the post of District Program Coordinator at District Hospital, Jashpur. It is alleged that on 27.3.2019, the applicant in connivance with other co-accused persons, being a government servant have misappropriated fund of

Rs. 42,500/- which was to be distributed to the patients of Tuberculosis. On 19.3.2020 complainant Ajeet Gupta lodged a report in this regard and on the basis of the said, offence has been registered.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the applicant has not misappropriated any fund which was to be distributed to the patients. Only sum of Rs. 1,000/- has been transferred in the account of present applicant for which accountant and other persons are liable. The said fact was not in the knowledge of the present applicant that Rs. 1,000/- has been transferred to his account. Apart from this, none of the beneficiaries have made report or have any grievance in this regard. The entire amount of Rs. 42,500/- has been deposited by present applicant and other co-accused persons to the beneficiaries and all the beneficiaries have got their amount/money. Looking to the above, it is prayed that, applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that applicant has no role in depositing sum of Rs. 1,000/- in his account

and there is no direct evidence against him, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

8. Accordingly, the bail application is allowed.

9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) 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/her from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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