

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1721 of 2019

- Prabhat Shaha S/o Late Shekhar Shaha Aged About 32 Years R/o Village Jagargunda, Police Station Jagargunda, Tahsil Konta, District Sukma, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jagargunda, District Sukma, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Praveen Dhurandhar, Advocate.
For Respondent/State	: Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

22/01/2020

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. 02/2009, registered at Police Station Jagargunda, Distt. Sukma (C.G.) for the offence punishable under Sections 408/34 of the IPC.
2. As per prosecution story, the applicant is the village Secretary and co-accused Narsaiya is the Sarpanch of Gram Panchayat. On 09.01.2009, CEO of Janpad Panchayat Konta made a written complaint against the applicant and other co-accused person alleging therein that in the months of October, November and December 2008, they have not given the pensionary amount to the villagers thereby they have embezzled the pensionary amount. On the basis of said report, 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. Virtually, there was a delay in payment of pensionary amount of the villagers. The Counsel further submits that the amount was not withdrawn by the applicant and co-accused. Pensionary amount was released by CEO Konta on 11.01.2009 as per (Annexure A-2 & A-3). The applicant neither withdraw nor he embezzled the pensionary amount of the villagers. CEO Konta has already deposited pensionary amount to the villagers on 11.01.2009. Hence, it is not a case of embezzlement, it is only the case of delay of payment, therefore, the applicant may be granted benefit of anticipatory bail.

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, without further commenting on 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