

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1966 of 2019

Manoj Kumar Diwakar S/o. Kirtan Lal Aged About 36 Years R/o. Village-Kataud, P.S.- Navagarh, District- Janjgir-Champa, Chhattisgarh. At Present Gadhabhata, P.S.- Bhatgaon, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Bhatgaon, District Baloda Bazar - Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vinod Deshmukh, Advocate.

For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/03/2020

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. 178/2019, registered at Police Station Bhatgaon, Distt. Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 409 R/w Section 34 of the IPC.
2. As per prosecution story, on the basis of inquiry report which was constituted by the Collector, the complainant who is a Food Inspector, on being directed by the Collector, lodged a written complaint in concerned Police Station alleging therein that 662.33 quintals of paddy amounting to Rs. 16,55,825/- found to be shortage thereby the applicant and other co-accused persons misappropriated the Government money. On the basis of said complaint, 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 present case without there being any material available on record.

He further submits that the applicant is an employee of Central Co-operative Bank Limited, Raipur (C.G.), as per order dated 22.06.2018 Annexure A/3. He has been transferred from Simga Society Rohra to Branch Bhatgaon Society, Bhatgaon. The alleged shortage of paddy was found in the year 2018-19. After the posting of the Applicant, he himself inquired the matter and found irregularities and he prepared an inquiry report dated 12.02.2019 in this regard. The counsel further submits that the alleged offence has been committed by the co-accused persons. The applicant himself reported the matter to the concerned Police Station on 07.03.2019 but the Police has not registered the FIR and directed him to submit authorization letter regarding lodging of FIR from the higher officials. Thereafter, the applicant vide letter dated 15.03.2019 Annexure A/21 making request to the higher officials in this regard. From the inquiry conducted by the committee also, it is established that misappropriation has been conducted by the co-accused persons. There is no direct evidence leveled against the applicant regarding the alleged offence. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
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 regarding misappropriation of alleged amount, allegations were made against co-accused persons and they both have already been arrested, against the applicant, there is no direct allegation has been made. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for 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. 25,000/- with one solvent 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 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