

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.2105 of 2019

Manoj Rathore S/o Satyanarayan Rathore, Aged About 29 Years R/o
M.I.G. House No. 65, Sector-3, D.D.V. Nagar, Raipur, Tahsil And District
Raipur Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Pandri, Raipur, District Raipur Chhattisgarh ---- **Respondent**

For Applicant	:	Mr. Dharendra Prasad Mishra, Advocate.
For Respondent/State	:	Mr. Alok Bakshi, Addl. A.G.
For Objector	:	Mr. Vikram Dixit, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

29/06/2020

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.408/2019 registered at police station – Pandri, Raipur, District Raipur (C.G.) for alleged commission of offence under Section 408 of IPC.
2. Prosecution allegation is that the applicant, who was employed by the complainant as the Accountant in its sales depot at Raipur, since December, 2016, had been making entries with regard to fictitious claim of scrap items and also allowing those claims without any authority given to him in this regard and without notice and knowledge of the company and in this manner, by making fictitious claim of scrap items, the accused defalcated, total amount of Rs.76,48,348/-, which were due and payable to the company/complainant towards distribution of various stocks with it.
3. Learned counsel for the applicant submits that the allegations are far-fetched, improbable and imaginary. He would submit that the applicant is only working as accountant and used to maintain the accounts with regard to sale and purchase and other necessary entries without having actual control over

the supply and distribution of the goods of supplier company/M/s. Devyani Food Industries. He would submit that the stocks were with another party, who was to handle the same and another party/stockist, who was to engage in distributing the stocks as per orders to various distributors.

4. On the other hand, learned counsel for the State and Objector submit that the applicant had committed the offence in a very ingenious manner taking undue advantage of the situation that he was the accountant posted in the sales depot at Raipur and maintaining all the accounts. The applicant used to generate fictitious claims of scrap articles and without the authority, accept them also and thus make adjustment in the accounts of the company with regard to so called scrap items with the result that the company did not get the sale price of the entire quantity, which was supplied by it for onwards distribution through the stockist.

5. Having considered the submission of learned counsel for the parties, particularly taking into consideration, the manner in which, the allegations have been leveled that the applicant misused his position and generated fictitious claims and also allowed them and thereby putting the company in financial loss, without further commenting upon the merits of the case, I do not consider present it to be a fit case for grant of anticipatory bail. The anticipatory bail application is rejected.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Rekha