

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 95 of 2021**

- Suresh Nayak, S/o Shri Niranjana Nayak, aged about 32 years, R/o Village Sukhari, Thana Rajadeori, District Balodabazar-Bhatapara (CG)

---- Applicant**Versus**

- The State Of Chhattisgarh Through the Station House Officer, Police Station Rajadeori, District Balodabazar-Bhatapara (CG)

---- Non-Applicant

For Applicant : Shri Sunil Sahu, Advocate.

For Non-Applicant : Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****18/03/2021 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.51/2019, registered at Police Station Rajadeori, District Balodabazar-Bhatapara for offences punishable under Section 120-B, 420, 467, 468 and 471 of the IPC.
2. The applicant along with co-accused Sushil Kumar Patel, President of the Krishi Saakh Samiti; Fagulal Bariha, Manager; Mithlesh Nayak, Kendra Prabhari and Om Prakash Patel, Computer Operator have interpolated the Rin Pustika (Holdings) of 32 Farmers to purchase inflated quantity of paddy thereby caused loss to the State exchequer to the tune of Rs.1,25,00,000/- in the year 2012-13 and Rs.1,41,00,000/- in the year 2013-14.
3. It is argued that co-accused Mithlesh Nayak has already been allowed anticipatory bail vide order dated 20.8.2020 in MCRCA No.696/2020,

therefore, the present applicant is also entitled to be released on anticipatory bail.

4. It is also argued that the alleged misappropriation happened in the year 2012-13 and 2013-14, however, the FIR has been lodged after 5 years.
5. Learned State Counsel would oppose the prayer for grant of bail.
6. Considering that co-accused Mithlesh Nayak facing similar allegations has already been enlarged on anticipatory bail in MCRCA No.696/2020, I am inclined to extend the benefit of Section 438 CrPC to the applicant.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) he shall not influence the witnesses during trial.
 - (ii) he shall make himself available for interrogation by a police officer as and when required;
 - (iii) 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.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve