NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 213 of 2021

Harshendra Kumar Sahu S/o Late Mathura Prasad Sahu, Aged About 32 Years R/o Tikrapara, Dhamtari, Tahsil And District Dhamtari Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police of Police Station Rudri, District Dhamtari Chhattisgarh.

---- Non-applicant

For Applicant	: Shri Jai Prakash Shukla, Advocate
For Non-applicant/State	: Ms. Anjali Singh Chauhan, Panel Lawyer

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(Proceedings through Video Conferencing)

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

15.07.2021

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.05 of 2021 registered at Police Station Rudri, District Dhamtari, C.G., for offence punishable under Sections 420, 467, 468, 471 of Indian Penal Code.

2. Case of the prosecution is that District Manager of Chhattisgarh State Marketing Corporation Limited lodged the First Information Report on 09.01.2021 against the present applicant stating therein that by committing forgery of his signature and seal, present applicant has transferred an amount of Rs.1,50,000/- through cheque in the account of his wife. At the time of audit, the deficiency in the account of Company has been detected, based

upon which, the inquiry was conducted initially at the official level and it was found that during that period, as many as eleven cheques were issued in the name of different persons who are related to the Corporation, but the 11th cheque which has been issued in the name of Rani Sahu (wife of applicant) has nothing to do with official activities and transactions. Based on the complaint, instant crime was registered against the present applicant.

3. Shri Jai Prakash Shukla, learned counsel for the applicant submits that applicant has initially an employee of the School Education Department, he has been sent on deputation to the Chhattisgarh State Marketing Corporation Limited and working as Assistant Grade-III. He further submits that he is acting under the direction of the District Excise Officer and has made all the transactions. It is contended that the District Excise Officer after the audit objection has pressurized the applicant not to return the money and when the present applicant has returned the money to the bank account of Chhattisgarh State Marketing Corporation Limited, then false and frivolous complaint has been lodged against the present applicant. It is further contended that the applicant has also made a complaint to concerned Police Station with regard to pressurizing and harassment to the applicant and his family members. In the complaint, it is stated that the District Excise Officer has visited his house in his absence and pressurized his family members with regard to the same incident. He lastly submits that prior to lodging of First Information Report, entire amount of Rs.1,50,000/- has been returned back to the

account of Chhattisgarh State Marketing Corporation Limited and applicant was under treatment in the Narayana Hospital, Raipur from 20.11.2020 to 07.12.2020, hence, he has not committed any offence as alleged against him.

4. Per contra, Ms. Anjali Singh Chauhan, Panel Lawyer for the State vehemently opposes the bail application and submits that there is specific allegation of depositing the money of Rs.1,50,000/- by the applicant in account of his wife by committing forgery of signature of District Excise Officer, which is serious in nature. She pointed out that after due inquiry, First Information Report has been lodged. She further submits that so-called complaint has been lodged by the complainant after registration of First Information Report against him and there is no document to show that at the time of commission of crime, applicant was not working as Assistant Grade-III in the office of Chhattisgarh State Marketing Corporation Limited, hence, he is not entitled for anticipatory bail.

5. I have heard learned counsel for the respective parties.

6. Taking into consideration the nature of allegation levelled against the present applicant with regard to making forgery of signature and seal and depositing amount of Rs.1,50,000/- in the account of his wife, I do not find it to be a fit case to enlarge the applicant on anticipatory bail.

7. Accordingly, anticipatory bail application is dismissed.

Sd/-

(Parth Prateem Sahu)
Judge

Anu