

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 467 of 2021**

- Vijendra Das Manikpuri S/o Manrakhan Das Manikpuri Aged About 27 Years R/o Village - Ghatula, Police Station- Sihawa, Tahsil - Nagri, District - Dhamtari Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station - Magarlod, District - Dhamtari Chhattisgarh.

---- Respondent

For Applicant : Shri Shivandu Pandya Advocate

For Respondent/ State : Shri Pawan Kesharwani, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****30/07/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. 34/2021 registered at Police Station Magarlod District Dhamtari C.G. for the offence punishable under Section 409 of I.P.C.
2. As per the prosecution case, the present applicant is in-charge of the country made liquor shop and on 04.09.2020 liquor of Rs. 9,85,920/- was sold but he deposited only Rs. 920/- likewise on 01.06.2020 sale proceedings of Rs. 5,44,320 was not deposited and thereafter Rs. 1,90,000 was deposited.
3. Learned counsel for the applicant would submit the applicant along with

other persons was working in the liquor shop and certain miscalculation was done therefore the amount was not deposited subsequently the part of the amount was deposited, therefore the applicant may be given the benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail and submit that the misappropriation of the accounts came to the knowledge when the audit was carried out otherwise the applicant who is the incharge of sale proceedings on his own have not deposited the amount, however one deposit was made and more than Rs. 3,00,000/- remains to be paid.
5. Considering the submissions of the parties that the applicant is the in charge has made misappropriation of the amount and after the audit was carried out the misappropriation came to fore therefore, I am not inclined to extend the benefit of Section 438 of the Cr.P.C.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Jyoti