

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1338 of 2020**

- Mirza Aslam Beg S/o Late Mirza Mustafa Beg Aged About 59 Years R/o Krishna Vihar Colony, Occupation Dy. Registrar (Suspended) District Raigarh Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through District Magistrate, Police Station Sakti, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Samir Singh, Advocate.
For Respondent/State	:	Mr. Pawan Kesharwani, P.L.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****19/02/2021**

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.43/2020 registered at Police Station–Sakti, District- Janjgir-Champa (C.G.) for alleged commission of offence under Section 409, 420, 467, 468, 471/34 of the Indian Penal Code.
2. Prosecution case is that the applicant, in the Office of Registrar, embezzled public fund and amount was not deposited in the bank.
3. Learned counsel for the applicant would submit that he is involved because during that period he was posted as incharge, Deputy Registrar. According to him, the main culprit is the concerned peon who was taking money but was not depositing in the bank and this fact could not be traced by the present applicant as he was holding charge of different offices therefore, it could be a case of negligence but not criminal liability. Next submission is that the applicant is aged 60 years and is also heart patient having undergone surgery in the year 2010.

4. On the other hand, learned counsel for the State opposes and submits that huge amount of more than 90 lacs were found embezzled during the period present applicant was posted as incharge Deputy Registrar in the office and the concerned peon, present applicant and his predecessors all have been impleaded as accused because huge amount of public fund has been found to be embezzled. He would submit that co-accused Set Ram Chouhan another Sub-Registrar who is similarly situated with the applicant had also applied application for grant of anticipatory bail which has been rejected by this Court in MCRCA No.1237 of 2020.
5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the material available against the applicant and the amount of embezzlement, present is not a fit case for grant of anticipatory bail.
6. The bail application is accordingly rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Ravi