

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1169 of 2021**

- Rajeev Verma @ Raju S/o Late Janardan Prasad Verma aged about 50 Years Occupation Service, R/o Village Lakhanpur, P.S. and Tahsil Lakhanpur, District Surguja Chhattisgarh.

-----Applicant**VERSUS**

- State of Chhattisgarh through: Through Police Station Lakhanpur, Police Chowki Kunni District Surguja Chhattisgarh.

-----Non-applicant

For Applicant	: Mr. Shakti Raj Sinha, Advocate.
For Non-applicant- State	: Mr. B.P. Banjare, Dy.Govt. Adv.
For Objector	: Mr. Anurag Singh, Advocate

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****23/09/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 146/2021 registered at Police Station Lakhanpur, Chowki Kunni, District- Surguja (C.G.) for the offence punishable under Sections 409, 420, 467, 468, 469, 471 of IPC.
2. As per case of prosecution, on 18.08.2021 Vice-President of Adim Jati Seva Sahkari Samiti Maryadit, Kunni (Co-operative Society) lodged a report with the concerned police station making allegation against applicant of financial irregularities to be committed by him. Based on the report aforementioned crime was registered against applicant.
3. Mr. Shakti Raj Sinha, learned counsel for applicant would submit that the complainant belongs to ruling party and is an influential person,

his wife Smt. Sarla Singh is elected member of Jila Panchayat. As the applicant has not worked in accordance with their instructions false and fabricated case has been prepared against him. Earlier also a false report was lodged against applicant of submitting forged letter in the name of Minister on which crime bearing number 80/2021 was registered at police station Kotwali, Ambikapur. In crime No.80/21 applicant was enlarged on anticipatory bail in MCRCA No. 516/2021 *vide* order dated 21.05.2021. He submits that applicant has not committed any offence as alleged against him. Complainant somehow wants to oust the applicant from the Society.

4. Mr. B.P. Banjare, learned State counsel, would submit that based on the complaint against applicant, enquiry was conducted by three-members Committee comprising of Assistant Development Officer, Senior Co-operative Inspector and Assistant Registrar, Co-operative Society Ambikapur. After enquiry, enquiry committee submitted its report on 23.03.2021 mentioning embezzlement of Rs. 21,14,931/-. It is further pointed out that in the enquiry report it is also mentioned that the salary for the month of June 2018 was withdrawn thrice and salary from January to September 2018 was withdrawn twice. Amount has been transferred without approval of the Board to saving bank and have expended the same by misusing the office. By issuing cheques in his name transferred amount was withdrawn which is not mentioned in the account books and the accounts books of the year 2017-18 are not available in the office. He submits that from the enquiry report submitted by the Enquiry committee shows the involvement of applicant in the aforementioned crime.
5. Mr. Anurag Singh, learned counsel for complainant, adopting the submissions made by learned State counsel further submits that the

enquiry was conducted by three-members committee and after conclusion of enquiry, enquiry committee found that the applicant has embezzled Rs. 21,14,931/-, hence, he is not entitled for anticipatory bail. He also submits that the copy of enquiry report is placed on record along with copy of objection as Annexure B.

6. I have heard learned counsel for the parties and also perused the case diary.
7. Report was lodged against applicant based on the enquiry report submitted by Three Members Enquiry Committee in which the Enquiry Committee found misappropriation of Rs. 21,14,931/- from the Sewa Sahkari Samiti. Enquiry Committee has not found the account books available in the office of that period and further the proposal for withdrawal of the amount to be forged. Learned counsel for applicant could not able to point out as to why the enquiry report submitted by three members committee be not considered.
8. Considering the nature of allegations, contents of enquiry report submitted by complainant available in the case diary and statements of witnesses available in the case diary, I do not find it a fit case to enlarge the applicant on anticipatory bail.
9. Accordingly, anticipatory bail application is hereby dismissed.

Sd/-
(Parth Prateem Sahu)
 Judge