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HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 3 of 2021Order Reserved on 10.3.2021Order Delivered on 17.03.2021

- Manjar Ansari S/o Rajjak Ansari Aged 30 Years R/o Village- Gamhariya, Police Chowki- Vijay Nagar, Police Station Ramanujganj, District- Balrampur- Ramanujganj , Chhattisgarh,

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Chowki- Vijay Nagar, Police Station Ramanujganj, District- Balrampur- Ramanujganj Chhattisgarh

---- Respondent

For Applicant	Mr. Malay Shrivastava, Advocate
For Respondent /State	Mr. Anshuman Shrivastava, Panel Lawyer

SB.: Hon'bl Mr. Justice Prashant Kumar Mishra**CAV Order**

1. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.27/2018 registered at Police Station Police Chowki Vijay Nagar, Police Station Ramanujganj, District Balrampur- Ramanujganj (CG) for the offence punishable under Sections 409, 34 of the IPC.

2. As per the FIR, the paddy was purchased at the Paddy Procurement Centre, Mahavirganj in the year 2017-18, however, during physical verification conducted by the Food Inspector, 2268 bags of paddy valued at Rs.14,22,130/- was found short. In the Audit Report, it was found that the Branch Manager of the *Aadim Jati Sewa Sahkari Samiti*, Bhanwarmal, Sub-Centre Mahavirganj namely Balram Dixit and the present applicant are responsible for misappropriation of the above quantity of paddy.
3. At the relevant time, the applicant was posted as Computer Operator in the Mahavirganj Sub-Centre of *Aadim Jati Sewa Sahkari Samiti*, Bhanwarmal.
4. It is argued by learned counsel for the applicant that in the Audit Report, Branch Manager Balram Dixit was found responsible for misappropriation of paddy. The Auditors directed for recovery of the amount from Balram Dixit and not from the applicant. It is precisely for this reason that the applicant, who was earlier removed from service on 16.1.2018 (Annexure A-4) was reinstated on 8.7.2020 (Annexure A-6). It is also argued that in the subsequent enquiry report, which is part of A-6, the applicant has not been found involved in the alleged misappropriation.
5. Per contra, learned counsel for the State opposes the prayer for bail. He would submit that the applicant was working as Computer Operator at the relevant period, therefore, his role in

the misappropriation cannot be ignored.

6. Having considered the material available in the case diary and particularly the subsequent enquiry report, after which, the applicant has been reinstated in service, I am inclined to extend the benefit of Section 438 of the Cr.P.C. 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 furnishing 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 make himself available for interrogation by a Police Officer as and when required;
 - (ii) 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 for disclosing such facts to the Court or to any Police Officer.
 - (iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge