IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 5th OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 3899 of 2024

BETWEEN:-

RAMPRASAD S/O VIKRAM MANGROLIYA, AGED ABOUT 47 YEARS, OCCUPATION: GOVT. JOB R/O HOUSE NO. 47, VIJAY NAGAR WARD NO. 26, SHAJAPUR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI MANISH YADAV - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH P.S. KOTWALI DIST SHAJAPUR (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI TARUN PAGARE - PUBLIC PROSECUTOR)

This application coming on for admission this day, the court passed the following:

ORDER

This is first bail application under Section 438 of Cr.P.C for grant of anticipatory bail in connection with crime No.13/2024, dated : not mentioned, registered at P.S. - Kotwali District - Shajapur for offences punishable under Sections 420, 467, 468, 471, 409 of IPC.

2. As per prosecution case, the applicant who was working as Block Education Officer/Drawing and Disbursing officer has committed criminal breach of trust and has misappropriated an amount of Rs.7,88,042/-.

3. Counsel for the applicant submits that the aforesaid alleged

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misappropriated amount alongwith the interest has been deposited in the department through treasury. The aforesaid fact has been recorded in the order-sheet of the trial Court and the applicant has also filed documents to that effect. It is argued that the applicant is a Government servant and,therefore, there is no possibility of his absconsion.

4. Counsel for the State opposes the prayer for grant of bail and submits that there is serious allegation against the applicant, however, it is not in dispute that the aforesaid defalcated amount alongwith interest has been deposited.

5. After hearing learned counsel for the parties and considering the fact that the entire alleged misappropriated amount alongwith interest has been deposited and the applicant is a Government servant and there is no possibility of his absconsion, I am of the view that the applicant is entitled for grant of anticipatory bail.

6. It is directed that in the event of arrest, applicant **Ramprasad** shall be released on bail on furnishing a personal bond in a sum of **Rs.1,00,000/- (Rs. one lakh Only)** with one surety in the like amount to the satisfaction of arresting officer. The applicant shall further abide by the other conditions enumerated in sub-section (2) of Section 438 of Cr.P.C.

7. A typed copy of this order is being forwarded to the Office of the Advocate General, on their email address, for intimation to the Police Station concerned.

8. With the aforesaid, the application is **allowed and disposed off.**

Certified copy as per rules.

(VIJAY KUMAR SHUKLA)
JUDGE

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