

**(1999) 12 SHI CK 0015**

**In the High Court Of Himachal Pradesh**

**Case No : Criminal M.P. (M) No. 1181 of 1999**

Ajay Kumar Jarial

APPELLANT

Vs

State of H.P.

RESPONDENT

**Date of Decision : 08-12-1999**

**Acts Referred:**

Penal Code, 1860 (IPC) — Section 409, 420, 467, 468, 471

**Citation : (2000) CriLJ 4888**

**Hon'ble Judges : M.R. Verma, J**

**Bench : Single Bench**

**Advocate : Ramesh Sharma and N.K. Thakur, for the Appellant; K.D. Batish, A.A.G., for the Respondent**

**Final Decision : Dismissed**

## Judgement

M.R. Verma, J.—The accused-petitioner (hereinafter referred to as "the accused") is alleged to have dishonestly tampered with the official records to enable him to commit the offences of misappropriation/cheating and criminal breach of trust while working as a Clerk on the establishment of B. M. O., Bharmaur. By the alleged acts of forgery, he had encashed two bills each amounting to Rs. 50,000/-. On these allegations, FIR No. 36/1999, dated 7-6-1999 under Sections 409, 420, 467, 468 and 471, I.P.C. has been registered against the accused at Police Station, Bharmaur. His application for grant of anticipatory bail has already been rejected by the learned Sessions Judge, Chamba on 5-7-1999. Hence the present application for grant of anticipatory bail to him.

2. It is averred in the application that presently he is not posted at the station where he is alleged to have embezzled the amount; that the investigation in the case is complete and nothing is to be recovered from him and that he is innocent and has a clean career.

3. I have heard the learned counsel for the accused and the learned Addl.

Advocate General for the State and have also gone through the report submitted by the investigating agency which is placed on record and the other investigation records.

4. Be it stated that pursuant to the order dated 29-11-1999, the accused was directed to join investigation. The complaint of the State, however, is that the accused has failed to join the investigation. The investigation record further reveals that as and when the police tried to apprehend the accused, he managed to bolt away. Therefore, while considering the present application, this conduct on the part of the accused has to be kept in view.

5. The accused is alleged to have committed serious offences punishable under various sections of the Indian Penal Code. He is required to be interrogated in respect of the commission of the offences by him and in view of the serious nature of the allegations against the accused, a wall cannot be created between the investigating agency and the accused. It is moreso, in view of the aforesaid conduct of the accused.

6. In view of the above discussions, I do not find the accused-petitioner entitled to be released on anticipatory bail. This application is, therefore, dismissed.