



2026:CGHC:24777

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRCA No. 869 of 2026**

Rajkumar Nishad S/o Ram Prasad Nishad Aged About 38 Years R/o Godpara, Ward No.- 4, Pathariya, Distt.- Mungeli (C.G.) ... **Applicant(s)**

**versus**

State Of Chhattisgarh Through, P.S.- Pathariya Fastarpur, Distt.- Mungeli (C.G.) ... **Non-applicant**

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For Applicant : Mr. Satyendra Srivas, Advocate.

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For Non-applicant/State : Mr. Saumya Rai, Dy. G.A.

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**Hon'ble Mr. Ramesh Sinha, Chief Justice****Order on Board****18.06.2026**

1. This anticipatory bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant, who is apprehending his arrest in connection with Crime No. 120/2026 registered at Police Station – Pathariya, District Mungeli (C.G.) for the offence punishable under Section 406 of IPC.
2. The prosecution case, in brief, is that on 16.05.2026, the complainant, Khileshwar Dadsena, lodged an FIR at Police Station Pathariya alleging that he had opened a Recurring Deposit (R.D.) Account bearing No. 020054672599 at the Post Office, Pathariya, on 11.11.2022 for a period of five years, with a monthly installment of Rs. 7,000/-. It is alleged that



the applicant, who was working in the same Post Office and was known to the complainant, was present at the time of opening of the account. Thereafter, the applicant allegedly persuaded the complainant to hand over the monthly installment amount of Rs. 7,000/- to him directly, assuring that he would deposit the same in the complainant's R.D. account. Relying upon such assurance, the complainant allegedly paid 34 monthly installments amounting to Rs. 2,38,000/- to the applicant. However, upon verification from the Post Office, the complainant discovered that only Rs. 63,000/- had been deposited in the said account and the remaining amount had not been credited. It is alleged that the applicant misappropriated the balance amount and thereby committed criminal breach of trust and cheating, leading to registration of the present crime. On the basis of the said written complaint, First Information Report bearing Crime No. 120/2026 was registered against the applicant/accused at Police Station Pathariya District Mungeli, for the offence punishable under Section 406 of IPC.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. He has no previous criminal antecedents. He submits that the alleged incident pertains to November, 2022, whereas the FIR has been lodged on 16.05.2026 after an inordinate and unexplained delay. He further submits that the essential ingredients of the offence under Section 406 IPC are not made out from the allegations levelled against the applicant. Therefore, he prays for grant of anticipatory bail to the applicant.
4. Learned State counsel opposes the bail application and submits that the applicant, while working in the Post Office, was entrusted with the money handed over by the complainant for deposit in his R.D. account, but instead of depositing the entire amount, he misappropriated a



substantial portion thereof. Therefore, he prays for rejection of the anticipatory bail application.

5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the fact that the complainant alleges to have handed over the installment amounts in cash to the applicant over a prolonged period of time, the alleged transactions pertain to the year 2022 onwards, and the FIR has been lodged only on 16.05.2026 after a considerable delay, coupled with the fact that the applicant has no previous criminal antecedents, and without expressing any opinion on the merits of the case, this Court is inclined to extend the benefit of anticipatory bail to the applicant.
7. Accordingly, the instant MCRCA is allowed and it is directed that in the event of arrest of the applicant Rajkumar Nishad on executing a personal bond and one surety in the like sum to the satisfaction of the arresting Officer, he shall be released on bail on the following conditions:-

(a) The applicant 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 from disclosing such fact to the Court.

(b) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial.

(c) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) The applicant and the surety shall submit a copy of their adhaar card along with a coloured postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.

(e) The applicant shall not involve himself in any offence of similar nature in future.

Sd/-  
**(Ramesh Sinha)**  
CHIEF JUSTICE