

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No.618 of 2015**

- Jageshwar Sai Painkra, S/o Shri Shukhnath Sai, aged about 39 years, Caste-Kanwar, R/o Vill-Ghumra, Tahsil – Farsabhara, District – Jashpur (C.G.), Civil and Revenue District Jashpur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer, Police Station Kunkuri, District Jashpur (CG).

---- Respondent

For Applicant	:	Mr. Manoj Chouhan, Advocate.
For Respondent/State	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice I.S. Uboweja**Order on Board****22/7/2015**

1. The applicant has preferred the instant bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 82 of 2015, registered in Police Station Kunkuri, District Jashpur (CG), for offence punishable under Sections 420, 467, 468, 471, 409, 120-B of the IPC.
2. The case of the prosecution in brief, is that the applicant was working as Technical Assistant in Janpad Panchayat Kunkuri from August 2008. It is alleged that during his posting in the year 2011-2012 work was done under the Mahatma Gandhi National Rural Employment Guaranteed Scheme (for short, MNREGA"). During Jan Dharan Programme of Collector on 24-3-2015 Sarpanch of Gram Panchayat, Kunjara lodged a complaint against the applicant and another with regard to preparation of forged muster roll. On the complaint, Collector directed for an inquiry on the basis of which an inquiry was conducted by the inquiry committee wherein the applicant has been alleged to have been involved in misappropriating the Government money. On the basis of inquiry report, Police Station Kunkuri District Jashpur registered the FIR on the basis of written report of the CEO,

offence under Sections 420, 467, 468, 471, 409, 120-B of the IPC against the applicant and some other person..

3. Mr. Manoj Chouhan, learned counsel appearing for the applicant would submit that applicant has not committed any offence and he has been falsely implicated in the case and there is no single piece of evidence against him to connect the applicant with the crime in question. He would further submit that the applicant was not named in the inquiry report and there is no involvement of the present applicant in preparing the forged muster roll and there was inordinate delay in lodging the first information report and as such he has not committed any offence, therefore, he may be extended the benefit of anticipatory bail.
4. On the other hand, learned counsel for the State opposing the prayer for grant of anticipatory bail submits that there was clear involvement of the applicant in preparing forged muster roll and misappropriating the funds of the Government. He further submits that he was involved in conspiring with the other co-accused persons and embezzled the amount and thereby committed the aforesaid offence therefore, he may not be given the benefit of anticipatory bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case and on perusal of case diary, it is clear that the applicant – Jageshwar Sai Painkra taking the advantage of his post involved in embezzling the funds allotted to the work under MNREGA and in preparation of the forged muster roll. I am of the considered opinion that *prima facie* it is not a fit case where the applicant can be extended the benefit of anticipatory bail.
7. Accordingly, the application is rejected.

Sd/-
(I.S. UBOWEJA)
JUDGE