

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.79 of 2015**

Tularam Maitri S/o Gourilal, Aged About 55 years, Caste Mourvar, Occupation (S.D.O. -R.I.S.) R/o Village Puraina, Tah. Dabhara, Distt. Janjgir-Champa C.G., At Present Sub Divisional Officer (R.I.S.), Mungeli, Distt. Mungeli C.G.

---- **Petitioner**

Versus

State Of Chhattisgarh Through District Magistrate, Through P.S.Kosir, Distt. Raigarh C.G.

---- **Respondent**

For Petitioner	:	Shri R. Pradhan, Advocate
For Respondent/State	:	Shri R. K. Gupta, Dy.A.G.

Order on Board**22/07/2015**

The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.28/2014, registered at Police Station–Kosir, District Raigarh for alleged commission of offence under Sections 420, 467, 468, 409, 120-B/34 of IPC.

2. Case of the prosecution is that the panchayat works were undertaken and forged muster rolls were prepared, which was made a basis for payment. Allegation against the applicant is that while he was working as S.D.O. (R.I.S.) without properly verifying, he sanctioned bills.

3. Learned counsel for the applicant submits that the work was executed under the direct supervision of Sub Engineers and Assistant Engineers and the applicant was higher authority before whom the records were placed. He submits that having found that the work done, which was duly verified and certified by the Sub Engineer, he discharged his function and if the work has not been properly done, then in that

case, officers on the field, who got the work executed and verified, are responsible. He also submits that the Sub Engineers namely Khunu Ram Khurana, D. C. Jangdge and Anil Kumar Katyal have already been granted anticipatory bail.

4. On the other hand, learned State counsel submits that it was the duty of the applicant to first verify the work before sanctioning bills. This deliberate omission involves the applicant also in the commission of offence.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the role alleged to have been played by the applicant and considering that Khunu Ram Khurana, D. C. Jangdge and Anil Kumar Katyal, who are alleged to be directly involved in the work, have already been granted anticipatory bail, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/ with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

(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 from disclosing such facts to the Court or to any police officer, *and*

(iii) he shall cooperate with the investigation as and when he is called.

Sd/-
Manindra Mohan Shrivastava
Judge