

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1181 /2015

Manoj Minj, S/o. Dharamprakash Minj, Aged About 34 Years, R/o. Village Jamchunwa, P.S. & Tah. Duldula, Distt. Jashpur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, P.S. Kunkuri, Distt. Jashpur (Chhattisgarh).

---- Respondent

For Applicant : Mr. Rajeev Shrivastava, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/12/2015

1. Apprehending arrest in connection with Crime No.82/2015 registered at Police Station Kunkuri, District Jashpur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 409, 120-B of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, in brief, on 22.05.2015 an FIR was lodged by C.E.O. Janpad Panchayat, Kunkuri, that the applicant alongwith other persons has withdrawn the government amount for the work which was not done or for the work which was not properly completed for which an enquiry was made and on enquiry, it was found that while in preparation of road fictitious name of labours were added and the muster-roll was prepared. Consequently, it was found that Rs. 9.09 Lakhs were sanctioned and on technical inspection, it was found that Rs.3,34,633/- was for the work though was not done but was withdrawn; thereby the applicant alongwith others has misappropriated the amount.

3. Learned counsel for the applicant submits that the applicant was working as Program Officer and his duty was not to inspect the technical job and being the Program Officer he was only authorised to pass the project which was to be carried out by the other persons and further he has to certify the same. He further submits that on a report made, initially an enquiry was made and in enquiry Bajrang Gupta, Ravindra Kumar Yadav & Saroj Panna was found responsible for preparation of the false muster-roll and this applicant was not found guilty in discharge of his duties. He further submits that the works have been defined under MNREGA Act and the applicant have discharge his duties according to the guidelines issued. It is further submitted that in the similar facts and circumstances, one C.P.Singhroul has been enlarged on bail in M.Cr.C.(A). No.586 of 2015, as the enquiry did not point out the role of C.P.Singhroul and the applicant being in the same footing, he is also entitled for bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail. It is submitted that there were two enquiries have been conducted and the first enquiry is referred to as technical enquiry wherein categorical finding has been recorded against the applicant Manoj Minj that he alongwith other persons namely Saroj Panna and Bajrang Gupta in connivance with the other officers have withdrawn the amount.
5. I have heard learned counsel for the parties and perused the case diary.
6. The case diary contains two enquiries, one is termed as "Sikayat Jach Prativedan" and other is "Takniki Jach Prativedan". In the technical report, the pages pointed out that on comparison of the two enquiries, the certain facts were pointed out wherein it shows that Manoj Minj has not followed the direction of MNREGA and in

connivance with Saroj Panna and Bajrang Gupta false amount was withdrawn. Further, in view of finding of enquiry, I do not consider that the case of this applicant is that of similar to that of C.P.Singhroul, who have been granted bail by the co-ordinate Bench of this Court. Taking into such facts and enquiry report, *prima facie*, I am not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant, as perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required. Consequently, I am not inclined to allow the application.

7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge