

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 314 of 2016

1. Smt. Aruna Kurrey, W/o. Peelaram Kurrey, aged about 38 years, by caste-Satnami, R/o. Village-Chhindauli, Tahsil – Mahasamund, District – Mahasamund (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, P.S. - Mahasamund, District – Mahasamund (C.G.)

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/04/2016

1. Apprehending arrest in connection with Crime No.65/2016, registered at Police Station- Mahasamund, District – Mahasamund (C.G.), for offence punishable under Section 420, 467, 468, 471/34, 409, 477, 120-B of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, in the year 2012-13, under Rajeev Gandhi Shiksha Mission, Rs.7,50,000/- was sanctioned for construction of boundary wall at Government Middle School, Chhindauli and the construction agency was gram panchayat, Chhindauli. It is alleged that Rs.3,75,000/- was paid as an advance and after part construction of boundary wall when it was evaluated by the Sub-engineer, it was valued at Rs.1,05,688/-, however, it was manipulated and make it as Rs.4,05,688/-. Thereby the forgery is committed.

3. Learned counsel for the applicant would submit that the work was done in the year 2012-13 and after new Sarpanch took over, such allegations have been levelled. He further submits that when the cheques were being signed by the Secretary, Sarpanch of the Gram Panchayat, it was also monitored by the Chief Executive Officer, therefore, it can not be stated that the applicant has misappropriated the amount. He further submits that the applicant has served with the notice under Section 92 for recovery of Rs.2,75,000/- and the reply is still awaited, therefore, he prays that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary. The case diary also contains the valuation report wherein it is alleged that 1 has been made as 4, thereby the Rs.1,05,688/- is made as Rs. 4,05,688/-. Considering the way the offence has been committed and the applicant's husband was actively involved and certain cheques were issued in his name it is not a case, where the provisions of Section 438 of Cr.P.C. can be extended as it can not be stated that custodial interrogation of the applicant may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge