

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 1276 of 2015

Smt. Heeramani Xalxo, W/o Malaki Xalxo, Aged About 60 Years by
Caste Oraon, R/o. Thethetangar, Thana and Tahsil Kunkuri, District
Jashpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through – In charge Officer, Police Station
Kunkuri, District Jashpur Chhattisgarh

---- Respondent

For Applicant	:-	Shri Akhilesh Kumar, Advocate.
For Respondent/State	:-	Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21/01/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No. 82/2015, registered at Police Station – Kunkuri, District – Jashpur (C.G.) for offence punishable under Section 420,467,468,471,409,120 B of Indian Penal Code.

2. Case of the prosecution, in brief, is that the applicant was the Ex-Sarpanch of Gram Panchayat Thethetangar. The work executed in Rojgar Guarantee scheme under the Mahatma Gandhi National Rural Employment Guaranteed Scheme (for short MNREGA) which was being executed by Gram Panchayat and it was found that though the work was not done by the Gram Panchayat and an amount of Rs. 3,34,633/- was withdrawn and was misappropriated by making forged muster roll. Thereby, the offence is committed.

3. Counsel for the applicant submits that the applicant herself has made a report on 07.11.2012 to the respective CEO that the work was being executed by Bajrang Gupta and Ku. Saroj Panna and no documents were produced and by using forged signature and seal of the applicant, the payment was made. He further submits that the applicant can not held liable for the same as she has already reported the fact to the CEO and Collector. He further submits that the enquiry was conducted by the Enquiry Committee wherein the applicant was not found guilty and it was further supported by the Technical Enquiry, wherein it was also found that the applicant was not found to be involved as she has already reported the matter to the CEO and Collector. He further submits that the resolution was passed on such report to stop the work which was done by Bajrang Gupta and Ku. Saroj Panna. He further submits that the applicant being the lady aged about 60 years may be given the benefit of anticipatory bail.

4. State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the case diary and the enquiry report. Perusal of the case diary and the enquiry report which has been made by the Enquiry Committee, it is found that prima-facie, the allegations are not attributed to this applicant. Considering the fact that there is no specific allegation against the applicant in preparation of forged muster roll, this Court is of the opinion, that prima facie it is a fit case where the applicant can be extended the benefit of anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one local surety

in the like sum to the satisfaction of the concerned Investigating Officer.

The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE

Santosh