

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 495 of 2016

- Parshuram Nayak S/o L.R. Nayak Aged About 58 Years (Wrongly Mentioned As 48 Years), R/o Sub Divisional Officer, Rural Engineering, Kunkuri, Police Station Kunkuri, District Jashpur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Kunkuri, District Jashpur, Chhattisgarh. --- **Respondent**

For the applicant : Mr. Arvind Kumar Shukla, Advocate.
For the Respondent: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.06.2016

1. Apprehending arrest in connection with Crime No. 82 of 2015 registered at Police Station Kunkuri, Distt. Jashpur (C.G) for the offences punishable under section 420, 467, 468, 471, 409 & 120-B of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. This is second bail petition. The earlier bail petition was dismissed on 11.12.2015.
3. As per the prosecution case, on 22.05.2015 an FIR was lodged by C.E.O., Janpad Panchayat, Kunkuri that the applicant alongwith other persons has withdrawn the Government amount for the work which was not done or for the work which was not properly completed for which an enquiry was made and on enquiry, it was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 names 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sanctioned and on technical inspection, it was found that Rs.3,34,633/- was for the work though was not done but was withdrawn, thereby the applicant along-with others has misappropriated the amount.

4. Learned counsel for the applicant submits that though the earlier bail was rejected on the ground that the work which was said to be of MGNREGA was endorsed by the present applicant in the capacity of SDO but the copy of note sheet would show that the applicant has not signed such noting, therefore, he may be reconsidered for bail on the ground of solitary ground.
5. Per contra, learned State Counsel opposes the prayer for grant of anticipatory bail.
6. Perused the note sheet which is filed wherein certain notings were written and the SDO has verified the same.
7. Considering the fact that evaluation was made by the Sub-Engineer which was certified by the SDO who is the present applicant, no further case is made out to be considered. Therefore, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE