

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 491 /2016

Smt. Preeti Sharma, W/o. Shri Vaibhav Sharma, Aged About 28 Years,
R/o. Rudri, Dhamtari, District Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station Arjuni, District
Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Satish Chandra Verma, Advocate.

For Respondent : Mr. Neeraj Kumar Sharma, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/06/2016

1. Apprehending arrest in connection with Crime No.330/2015 registered at Police Station- Arjuni, District Dhamtari (C.G.) for the offence punishable under Section 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, a report was made by one Dharendra Kumar Sinha that in execution of MNREGA work, sub-standard work has been done by the executive agency. On the basis of such report, the Lokpal has constituted a committee of three members wherein after evaluating various work, it was found that total amount of Rs.13,98,620/- has been misappropriated. Thereafter, the Lokpal after enquiry passed an order to recover 70% of the said amount from Sarpanch and Secretary, 20% from the Sub-Engineer and 10% from the Technical Assistant, who is the present applicant and subsequently the FIR was registered.
3. Learned counsel for the applicant would submit that the applicant was a Technical Assistant and she has not done any misappropriation of the amount since the entire amount was

transferred in the account of Sarpanch & Secretary and it was misappropriated by withdrawing the same by the said Sarpanch and Secretary. It is further submitted that the Lokpal has recommended for recovery of amount of 10% against which a review petition was filed and vide order Annexure A-2 dated 27.11.2014, the said recommendation of the Lokpal to recover the amount of Rs.1,39,862/- has been set aside and the recommendation of departmental enquiry was also set aside and it was done after appreciating the role played by this applicant. It is further submitted that the applicant has been blessed with a child on 08.02.2016 and therefore under the facts and circumstances of this case, the applicant being a lady having infant child may be enlarged on bail.

4. Perused the recommendation as also the review order of the Lokpal dated 27.11.2014 wherein the applicant has been exonerated from payment and the departmental enquiry. Taking into the facts and circumstances of the case and specially considering the fact that the applicant is a lady having infant child of 4-5 months approximately, I am inclined to enlarge the applicant on anticipatory bail.
5. 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 furnishing a personal bond to a sum of Rs.25,000/- with one 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) that 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