

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C (A) No. 1341 of 2015

Neelu D/o. of Ashok Kushwaha, aged about 24 years, Caste- Koir,
Resident of Village- Sarhari, Police Station- and Tahsil- Pratappur, District
Surajpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, Police Station-
Chandaura, District Surajpur (C.G.)

---- Respondent

For Applicant	:-	Mr. D.N. Prajapati, Advocate.
For Respondent/State	:-	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 65/2015, registered at Police Station – Chandaura, District – Surajpur (C.G.) for offence punishable under Section 420,34 of Indian Penal Code and section 3,7 of Essential Commodities Act.

2. Case of the prosecution, in brief, is that the applicant was the Secretary of Gram Panchayat Darhora. The applicant along with other co-accused persons have misappropriated the goods of essential commodities which was distributed to the different beneficiaries. It is stated that from Government Fair Price Shop the goods were distributed but the applicant being the Secretary failed to supervise the same. Thereby, the offence is committed.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the main allegation is on Smt. Geeta Singh who was Ex-sarpanch and Lalsai who was also Salesman wherein certain irregularities have been committed. He further submits that some irregularities might have been committed but the applicant was not involved in the commission of crime. He further submits that the enquiry conducted again it was found that the irregularities have been committed in discharging the job of Secretary. He further submits that the other co-accused persons namely Geeta Singh and Lalsai have been granted bail by the Coordinate Bench of this High Court in M.Cr.C. No. 5291 of 2015 and in M.Cr.C. No. 5294 of 2015 on 05.10.2015 and the delay in lodging of FIR, the applicant may be given the benefit of anticipatory bail.

4. Per contra State counsel opposes the prayer for grant of bail and do not dispute the fact and submits that the other co-accused persons have granted bail by the Coordinate Bench of this Court.

5. Perusal of the case diary would show that there was an enquiry conducted and after the enquiry conducted it was found that the applicant failed to discharge her duty. Taking into the enquiry report, case diary and the documents wherein the allegation made and further taking the nature of job discharged by this applicant and extent of delay in lodging the FIR and further taking into fact the substantial investigation is complete, taking into further fact that applicant is a lady, 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, he shall be released on bail by the officer arresting him 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 himself 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.

Sd/-
(Goutam Bhaduri)
JUDGE

Santosh