

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 946 of 2016

- Amit Sheel S/o B.K. Sheel Aged About 40 Years R/o Sai Mandir Gali, Kondagaon, District Kondagaon, Chhattisgarh. **-- Petitioner**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station, Kondagaon, District Kondagaon, Chhattisgarh. **--- Respondent**

For the applicant : Mr. Y.C. Sharma, Advocate.
For the State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.12.2016

1. Apprehending arrest in connection with Crime No. 329/2014 registered at Police Station Kondagaon, Distt. Kondagaon (C.G) for the offences punishable u/ss 420, 409, 120-B, 34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made against Khemendra Joshi and K. Jhadi that the work of MGNREGA amounting to Rs.1,86,62,000/- was allotted to one Non-Government Organization namely Sajal Shraddha Sewa Sansthan, Jagdalpur for construction of small pond and tree plantation. It is alleged that though the entire amount was disbursed, but the actual valuation of work which was carried out was found to be Rs.63,32,000/- and the work of Rs.1,21,30,000/- was not done. Subsequently, during investigation it was found that the applicant who is the Assistant Project Manager has

signed the necessary documents, thereby the offence was committed alongwith other officers.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated; in fact the work was physically verified by Assistant Technician and the job of valuation of work was also done by the Assistant Technician and the applicant being Assistant Project Officer has only extended technical assistance at the place of work and has approved the case file put up before him and thereafter forwarded it for signature of the superior officers, therefore, no mensrea can be attached. It is also submitted that when the work was allotted by an agreement to the NGO, he signed it on behalf of the State Government along-with collector, therefore, the job of valuation of the work cannot be attributed to this applicant and hence no further custodial interrogation is required.
4. Per contra, learned State Counsel opposes the prayer. However, he do not dispute the fact that as per the statement of one Anil Kumar Sinha, the applicant was a signatory to the agreement when the work was allotted to NGO, but the valuation work was not done by him it was done by other person.
5. Heard learned counsel for the parties and also perused the case diary documents. A perusal of the statement of Anil Kumar Sinha would show that no clear allegations have been clamped against this applicant that he has done the valuation work.
6. Taking into such facts and circumstances of the case, I am inclined to admit the applicant to anticipatory bail.

7. Accordingly, the 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 surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE