

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 266 of 2017**

- Bhuneshwar Kashayap S/o Barno Kashyap, Aged About 32 Years R/o Patelpara, Mandhar, Police Station Lohandiguda, District- Bastar, Chhattisgarh.

----- Applicant

Versus

- State Of Chhattisgarh Through: The Station House Officer, Police Station -Lohandiguda, District- Bastar, Chhattisgarh.

----- Non-Applicant

For Applicant : Shri Shailendra Dubey, Advocate.

For Non-Applicant : Shri Samir Behar, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/12/2017**

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.62/2016, registered at Police Station Lohandiguda, District Bastar for offences punishable under Sections 420, 467, 468 and 471 of the IPC.
2. It is alleged that while working as Panchayat Secretary of Gram Panchayat Gadhiya, District Bastar, the applicant withdrew Rs.1,50,000/- on 18.3.2016, Rs.50,000/- on 13.4.2016 and Rs.1,38,000/- on 20.4.2016 for carrying out the works under the 14th Finance Commission, however, he did not account for or submitted bills and vouchers of carrying out the works.
3. It is argued that as per the statement of Up-Sarpanch and SDO

(RES) the work of 14th Finance Commission is still continuing which will be completed after the end of the planned period, therefore, it is premature to say that any embezzlement has been committed.

4. Learned State Counsel would oppose the prayer for grant of bail.
5. Considering the material available in the case diary and for the fact that work under the 14th Finance Commission is not yet audited as also for the reason that the applicant has roots in the society being Panchayat Secretary and there is no likelihood of his influencing the witnesses or affecting the investigation, this Court is inclined to release the applicant on anticipatory bail.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- (i) he shall make himself available for interrogation by a police officer as and when required;
- (ii) 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 from disclosing such facts to the Court or to any police officer.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve