NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 316 OF 2017

Shivdatt Banjare, S/o Late Shri Dhani Ram Banjare, aged about 56 years, R/o Village Surighat, Mungeli, P.S. City Kotwali, District Mungeli (C.G.)

… Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station: City Kotwali, District Mungeli (C.G.)

… Non-applicant

For Applicant	:	Mr. V.R. Tiwari, Advocate.
For Non-applicant/State	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicant who is apprehending his arrest in connection with Crime No. 154 of 2017, registered at Police Station- City Kotwali, District- Mungeli, for the offence punishable under Sections 420, 467, 409 & 120-B of IPC.

2. Case as per the prosecution against the Applicant is that in the course of discharging the duties of Principal of B.R. Sao Government Higher Secondary School, Mungeli, which is being run by the School Management Committee, in the process of making certain constructions in the school premises, the Applicant had not taken proper permission and that he had also given certain amount to the Municipal authorities which has not been credited in the account of Municipality but the said amount seems to have been deposited in a private account. The allegation as per the prosecution is that the Applicant and the other co-accused persons is said to have connived together and have syphoned the money of the Trust in the process of making illegal constructions in the school premises.

3. Learned Counsel for the Applicant submits that it is a case where the Principal has taken all steps required for proper sanction and approval in respect of constructions and that in the process he had also issued a cheque to one Vinod Yadav, a Sub Engineer of the Municipality, who had assured of getting all the papers cleared and meanwhile constructions had been commenced. Subsequently, it is learnt that the said Vinod Yadav has not deposited the said cheque in the account of the Municipality but has deposited the same in the account of some other person and syphoned that money. The illegal constructions were all demolished. Further, learned Counsel for the Applicant refers to a document, Annexure A-9, which is a document issued by the Municipal Council, Mungeli, which ultimately holds the said Vinod Yadav to be the person who has committed misappropriation in respect of the money which was given to him by the Applicant.

4. Learned Counsel for the State however opposes the bail application on the ground that the present Applicant has in connivance with the other persons syphoned the government money and has misused the same and therefore he does not deserves to any sympathy for being released on anticipatory bail.

5. Having considered the facts and circumstances of the case and also taking note of the fact that the present Applicant is a Principal of a School and that the authorities of Municipality have themselves found out that the misappropriation in fact has been done at the hands of the Sub Engineer of the Municipality, namely, Vinod Yadav, this Court is of the opinion that a prima facie strong case for grant of anticipatory bail is made out.

6. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicant in connection with Crime No. 154 of 2017, registered at Police Station- City

Kotwali, District- Mungeli, for the offence punishable under Sections 420, 467, 409 & 120-B of IPC, if he furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then he shall be released on bail on the following further conditions :

(i) that the applicant shall make himself available for interrogation before the concerned 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 him by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
Judge

/sharad/