

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 538 of 2017**

1. Aditya Minj, S/o. Jakariyas Minj, Aged About 31 Years, By Caste -Uraon, R/o. Village Basen, Tahsil & Police Station -Bagicha, District-Jashpur, Chhattisgarh.
2. Smt. Monika Minj, W/o. Karamchandra, Aged About 24 Years, By. Caste -Uraon, R/o. Village Basen, Tahsil & Police Station -Bagicha, District- Jashpur, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Police Station -Bagicha, District-Jashpur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Manoj Mishra, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/12/2017**

1. Apprehending arrest in connection with Crime No.103/2017, registered at Police Station – Bagicha, District - Jashpur (C.G.) for offence punishable under Section 409/34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants had the responsibility to disburse pension to the helpless and old aged persons according to the scheme of the State government. While

distributing this pension, by mistake the pension was distributed to the persons other than named in the list, which is a bonafide mistake. Applicants have not benefited by this mistake in any manner. It is also submitted that the order passed by the District Collector, Jashpur for lodging FIR against the applicants was challenged before this Court in W.P.(C) No.1569/2017. This petition has been disposed off by order dated 04.07.2017, in which the order of the District Collector, directing lodging of FIR against the petitioner has been set-aside. Applicants are office bearers of Panchayat, hence, in this development of things, it is prayed that the applicants are entitled for grant of anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. The brief facts of the case are these that on the basis of the order passed by the Collector, FIR has been registered against the applicants on the ground that the applicants being the responsible for distribution of pension to helpless old person have not distributed to some of the beneficiaries and have defalcated the amount of Rs.7,800/-.
6. Considered the submissions made and the contents of the case diary. Taking into consideration the order passed by this Court in W.P.(C) No.1569/2017 dated 04.07.2017, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

8. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

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

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge