

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 26 of 2018

- Navneet Chandrakar, S/o Shri Domanlal Chandraker, aged about 26 years, R/o Laxmi Para, Jamul, P.S. Jamul Tehsil and District Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh: Through- District Magistrate, Durg, (Chhattisgarh).

---- Non-applicant

And

MCRCA No. 155 of 2018

- Rajendra Verma, S/o late Parmeshwar, aged about 68 years.
 - Smt. Laxmi Verma, W/o Harish Verma, aged about 39 years,
- Both R/o Laxmi Para, Jamul, Tehsil and District Durg, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh: Through- District Magistrate, Durg, (Chhattisgarh).

---- Non-applicant

And

MCRCA No. 111 of 2018

1. Saraswati Verma, W/o Rajendra Verma, aged about 55 years,
2. Tushar Verma, S/o Rajendra Verma, aged about 25 years,
3. Both are R/o laxmipara, Jamul, Tehsil and District Durg, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh: Through- District Magistrate, Durg,
(Chhattisgarh).

---- Non-applicant

For Applicants :Mr. B. P. Singh, Advocate.
For the State :Mr. Anil S. Pandey. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/04/2018

1. Since all the anticipatory bail applications arise out of the same crime number, they are being disposed of by this common order.
2. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending arrest in connection with crime No.134/2017, registered at Police Station- Dhamdha, District- Durg (Chhattisgarh)for the offence punishable under Sections 409, 429, 420, 467, 468, 471/34 of Indian Penal Code and Sections 4 & 6 of the Chhattisgarh Agricultural Cattle Preservation Act and Section 11 of the Prevention of Cruelty to Animals Act.
3. Learned counsel for applicants submits, that applicants are innocent and have falsely been implicated in this case, the main accused namely Harish Verma has been granted regular bail of this Court whereas the other two accused persons have been granted bail by the trial Court. Charge-sheet has been filed after completion of investigation. No case is made out against these applicants as all the allegations made in this case, are only against the main accused- Harish Verma, who was the Chairman of the Sagun Gaushala. These applicants were though the office bearer of the Shagun Gaushala, but they have not played any active role for management of the said

Shagun gaushala. Hence, it is prayed that applicants be enlarged on anticipatory bail.

4. On the other hand, learned State counsel opposes the bail applications and submits, that in MCRC No. 155/2018, one applicant- Rajendra Verma is Chief Secretary and another applicant namely Laxmi Verma is a Treasurer, whereas the applicants Saraswati Verma and Tushar Verma in MCRC No. 111/2018 and applicant Navneet Chandra in MCRC No. 26/18 are only the members of the Shagun Gaushala, hence they have played effective role in the defalcation and miss-appropriation use of grants received from the Government, therefore, they are not entitled for grant of Anticipatory Bail.
5. Heard both the parties and perused the case diary.
6. A complaint was made by the Gram Panchayat, Rajpur against these applicants, that there is mismanagement of the Gaushala and several irregularities including the financial irregularities are being committed by the office bearers of the said Gaushala. The enquiry was made and subsequent to that, complainant- Dr. S. K. Panigrahi, Secretary of Chhattisgarh Gau-seva Aayog has lodged FIR against main accused Harish Verma, alleging that between 2010 to 2017 amount of Rs. 93, 63,000/- was given as grants to this Shagun Gaushala by the Chhattisgarh Gau-Seva Aayog and the same was not utilised for taking care and feeding the cattle that were kept in the gaushala resulting in death of numerous agricultural cattle on account of mal-nutrition. During investigation, it is found that the name of the applicants has appeared as the office bearers, who are involved in this case.
7. Considered on the submissions and the contents of the case diary and the material available on record, and looking to the investigation that

has been done in this case, the specific details of the receipt of grant and expenditure made by the office bearer are yet to be examined by the trial Court, further the case is already before the trial Court some of the accused persons have been granted regular bail, therefore, it appears that there is no requirement for custodial interrogation of any of these applicants, I am of the considered view that the applicants should be benefited for grant of anticipatory bail.

8. Accordingly, the anticipatory bail applications are allowed and 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/- each with one surety in the like sum to the satisfaction of the concerned trial Court. 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 him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

