

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1107 of 2017

- G. P. Pandey S/o Late Shri Jhumuk Lal Pandey, Aged About 60 Years Presently Posted As Assistant Project Officer, Zila Panchayat Bemetara District Bemetara, R/o Village Akoli, Post Office Deori, District Raipur, Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Collector, Raigarh, Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Mateen Siddiqui, Advocate.

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

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

07/02/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.43/2014 registered at Police Station- Anti Corruption Bureau, District – Raipur(C.G.), for the offence punishable under Sections 409, 467 and 468 of the Indian Penal Code (for short 'IPC'); Section 13 (1) (c) & 13 (2) of the Prevention of Corruption Act, 1988; and Bhandar Kray Adhiniyam and Rule 9 and 25 of C.G. Finance Account Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that applicant while working as Chief Executive Officer, Janpad Panchayat Pussour had been responsible for the office in his charge. Allegation regarding

defalcation of Rs.10 lakhs which was meant for Government Beneficiaries Pension Scheme, is totally a false one. Though the applicant had withdrawn some amount but the same has been subsequently appropriated and adjusted which is evident from the appropriation letters attached with this application as Annexure-A4 & A5. Complainant Ramesh Thawaith, a Clerk in Janpad Panchayat Pussore, was departmentally proceeded on the recommendation made by this applicant because of which he lodged a false complaint against him. Presently applicant is posted as Assistant Project Officer, Jila Panchayat, Bemetara. No case is made out against him and he is willing to abide by all the conditions and directions, which may be imposed on him while granting bail. Hence, it is prayed that applicant be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made. It is submitted that sufficient material is present in the case of the prosecution showing that applicant is responsible for the defalcation of amount meant for the beneficiaries of pension scheme. The said appropriation, as stated, has not been found verified, hence, applicant is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. On a complaint made by Rakesh Kumar Thawaith AG-III, under suspension, an inquiry was conducted by the Deputy Director Social Welfare department, Raigarh in which a finding has been recorded that applicant was responsible for the fake bills raised and misappropriation of amount to the tune of Rs.5,83,000/- as none of the recipients of the said bills has confirmed that he has received the amount. Therefore, keeping in mind the aforesaid fact and further considering that the

investigation in this case is at very initial stage, this Court is not inclined to grant anticipatory bail to this applicant.

6. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha