

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 245 of 2018

1. Ramchand Sahu S/o Derharam Sahu, Aged About 42 Years, R/o- Village- Jarhagaon, P.S.- Jarhagaon, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh
2. Dheer Singh Banjare S/o Kunjram Banjare, Aged About 47 Years, R/o- Village- Jarhagaon, P.S.- Jarhagaon, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Jarhagaon, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Non-applicant

MCRCA No. 254 of 2018

1. Smt. Satyavati Sahu W/o Ramchandra Sahu, Aged About 40 Years, R/o Village Jarhagaon Tahsil Mungeli P.S. Jarhagaon, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh
2. Narmada Singh Rajput S/o Ghanshyam Singh, Aged About 35 Years, R/o Kodwabani, P.S. Lalpur, Tahsil Mungeli, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jarhagaon District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Non-applicant

For Applicants – Shri Awadh Tripathi, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Shri Dheerendra Pandey, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-06-2018

1. As these two MCRCA arise out of the same crime number, i.e. Crime No.58/2018, registered at Police Station Jarhagaon District Mungeli, Chhattisgarh for the offence under Section 420/34, 409 of the IPC, they are being decided by this common order.
2. These applications have been filed by the applicants for grant of anticipatory bail as they are apprehending their arrest in connection with aforesaid crime number and offence.
3. It is submitted by learned counsel for the applicants that the applicants

have been falsely implicated in this case because of enmity and political rivalry by the complainant in this case. According to the resolution passed by Gram Panchayat Jarhagaon, 488 toilets in Gram Panchayat Jarhagaon were constructed and completed, regarding which the funds allotted were totally exhausted. The complaints filed have been enquired into, in which no irregularity has been found in the report submitted by Sub-Divisional Officer (Revenue) Mungeli, dated 31-03-2018. Even then, a totally false complaint has been made under Section 156(3) of the Cr.P.C before the Court concerned and on that basis the FIR has been lodged against these applicants. No case is made out against the applicants in both the applications. Hence, it is prayed that all these applicants may be benefited with grant of anticipatory bail.

4. Learned counsel for non-applicant/State opposes the applications submitting that sufficient evidence is present in the case diary to show the financial irregularities committed by the applicants. Applicant Smt. Satyavati Sahu (applicant in MCRCA No.254/2018) is Sarpanch of Gram Panchayat Jarhagaon and the other applicants are her associates who have all benefited in the defalcation committed in this case. The report given by the enquiry committee is not in favour of these applicants. Hence, it is prayed that the applications may be rejected.

5. Learned counsel for the objector submits that all the applicants have in collaboration committed the offence of huge defalcation and misappropriation of the Government funds. Hence, it is prayed that both the applications may be rejected.

6. Heard learned counsel for the parties and perused the case diary.

7. On complaint received about the financial irregularities committed by applicant Sarpanch Smt. Satyavati Sahu and others, an enquiry committee was constituted by CEO Janpad Panchayat Mungeli. In the preliminary enquiry conducted it was found that statement of construction of toilets in the residence of 135 beneficiaries was false and thus the amount has been misappropriated

by the applicants/accused persons.

8. In the present development of things, an enquiry report has been submitted by the Sub-Divisional Officer (Revenue), Mungeli dated 31-03-2018, which is part of the case diary and copy of that has also been filed along with the application. Final conclusion of the report is this, that no financial irregularity has been found in the activity of such construction of toilets in residence of the beneficiaries and the complaint filed was found baseless. Looking to the conclusion of this report and other material present in the case diary, I am of this view that the applicants in both these applications deserve to be benefited with grant of anticipatory bail.

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

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

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge