

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4390 of 2018**

Prem Sagar Chaturvedi S/o Kamuram Chaturvedi Aged About 45
 Years R/o- Village- Ringani, Post- Nardha, P.S. Bhilai-3, Tahsil-
 Dhamdha, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
---- Applicant

Versus

State of Chhattisgarh through- District Magistrate, Bemetara, District-
 Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh ---
Respondent

For the applicant	:	Mr. Amiyakant Tiwari, Advocate.
For the Respondent	:	Mr. Sangharsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.07.2018

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 62/2017 registered at Police Station Parpodi, Distt. Bemetara (C.G) for the offences punishable under Sections 409, 467, 471/34, 120-B of IPC.
2. As per the prosecution case, a report was made by the Deputy Director of Veterinary Services, Bemetara that the applicant who was working as General Secretary in Phulchand Gouvansh Shala, Godmara along-with others embezzled the grant of Rs.50 lakhs given to them by State Government and the said grant was meant for feeding cattle and taking care of them. It is alleged that instead of feeding cattle, they fed themselves, as a result of which, more than 117 cattle died out of starvation and when the en-mass

deaths of cattle took place, the report was made. Thereafter the matter was investigated wherein it was found that the offence has been committed.

3. Learned counsel for the applicant submits that the applicant had tendered his resignation in the year 2015 and in his place, the Bank transactions were carried out in the name of one P. Sagar who put the signatures, which are not at all the signatures of the present applicant as he has never signed as P. Sagar. It is further contended that the applicant was elected as Jila Panchayat member and he had no relations with the Phulchand Gauthansh Shala wherein the cattle died and the present applicant has also become the victim. It is further stated that two statements of Dr. Awadesh Kumar Singh and Narendra were recorded on 18.07.2017 and in November 2017 and in the statements of these witnesses, no allegations are attributed to the applicant, therefore, he is not at all responsible for death of any cattle or embezzlement of funds. He further submits that the appellant is in jail since 28.5.2018, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel vehemently opposes the arguments and submits that the case diary contains two letters dated 22.08.2017 & 02.09.2017 of the State Government which affirmed that no resignation letter of the applicant was ever reached. Learned State Counsel further submits that the present applicant along-with other co-accused has embezzled the funds granted by the State and even they failed to feed the cattle which would be evident from the postmortem reports that almost all the cattle died

out of starvation and after the death of cattle, the dead cattle were also subjected to sale for earning. Therefore, the applicant may not be enlarged on bail.

5. Perused the documents. The statement of Rajeev Devras is also on record wherein he affirmed that no document exists about the resignation of the applicant. The postmortem report of various cattle shows that large number of cattle died of starvation while they were kept in captivity in the Gaushala. The statements of Awadesh Kumar Singh and Narendra shows that when the inspection was made they found that all the cattle were not fed which resulted in deaths. On perusal of the documents, prima facie, it shows that the applicant has not resigned from the post and only the defence was raised. It appears that subsequent afterthought was made to avoid criminal liability.
6. Taking into the background of the facts of the case and the way in which more than 100 cattle have died en-mass due to starvation, I am not inclined allow this bail application. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**