

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1039 of 2018**

Purushottam Kabra S/o Late Shri Ramgopal Ji Kobra Aged About 37 Years Working on the post of Assistant Development Extension Officer, Janpad Panchayat Bagbahara, District- Mahasamund, Chhattisgarh, Permanent Resident of Village & Post Madeli, Tahsil Chhura, District- Gariyaband, Chhattisgarh.
--- **Applicant**

Versus

State of Chhattisgarh through Station House Officer, Police Station Bagbahara, Civil & Revenue District- Mahasamund, Chhattisgarh.
--- **Respondent**

For the applicant : Mr. V. K. Pandey, Advocate.
For the State : Mr. Neeraj Sharma, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.09.2018

1. Apprehending arrest in connection with Crime No. 147/2016 registered at Police Station Bagbahara, Distt. Mahasamund (C.G) for the offences punishable u/ss 120(B), 420, 467, 468 & 471 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. This is second bail application. The earlier one was dismissed on 07.10.2016
3. As per the prosecution case, a report was made by the Development Officer of Janpad Panchayat, Bagbahra that with respect to disbursement of amounts to different beneficiaries under the Indira Housing Scheme which was meant for construction of houses, the applicant who is working as an Assistant Development

Extension Officer, Janpad Panchayat, Bagbahara, in connivance with other accused allowed withdrawal of instalments in favour of beneficiaries. It is alleged that the second instalment was permitted to be withdrawn without there being completion of required phase of construction which ought to have been completed before withdrawal of the second instalment.

4. Learned counsel for the applicant would submit that after dismissal of the earlier petition, additional enquiry report was given to the Police by the members of the Enquiry Team wherein it was certified that the present applicant was not at all posted at any point of time of the alleged offence. He relied on a document dated 28.07.2017 and would submit that the enquiry report clearly exonerates the present applicant for the reason that he was not at all posted at the relevant time of the alleged offence.
5. Learned State Counsel was directed to verify the same. State Counsel is present along-with Investigating Officer Rajeev Nahar and would submit that according to the investigation, the present applicant was not posted at the relevant time and the enquiry report Annexure A-8 affirms the said fact.
6. Considering the submission made, I am inclined to admit the applicant to anticipatory bail.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal

bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

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

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**