

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1181 of 2018**

- Janmjay Singh S/o Late Shri Uma Charan Singh Aged About 50 Years R/o Village - Kusmi, Police Station And Tahsil Kusmi, District - Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Kushmi, District - Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate.
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/10/2018**

1. Apprehending arrest in connection with Crime No.73/2018, registered at Police Station –Kushmi, District – Balrampur-Ramnujganj(C.G.) for offence punishable under Sections 197, 202, 204, 218,, 465, 466/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant being the Vice President of Janpad Panchayat, Kusmi, got executed construction work of kitchens sheds, 26 numbers, in

schools and other places regarding which some payment were withdrawn by him which is not an act of defalcation or misappropriation. This applicant is not responsible for the defalcation committed by previous office bearers of Janpad Panchayat, Kusmi. He is ready to co-operate with the investigation. Hence, it is prayed that applicant be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that it is a clear-cut case of fraud & forgery as the project work approved for Gram Panchayat, Kusmi, was taken up twice and despite the fact that work was executed previously, the payments were withdrawn in the second stage showing that the work had been done in the second stage and regarding which there is sufficient evidence present against the applicant. Hence, the applicant is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Applicant is the member of Janpad Panchayat, Kusmi from the year 2009 and at that time a project was sanctioned by the Government for construction of kitchen sheds in 134 government schools. Applicant in his capacity as Vice President of Janpad Panchayat had executed the construction work. One Somnath Bhagat, RTI activist, made a complaint to the Collector and on that basis the inquiry was made by Sub Divisional Officer, Kusmi, in which report was given against this applicant alleging that applicant had committed financial irregularities. Hence, this case.

6. Considered on all the material present in the case diary and looking to the fact that the construction work, which is claimed to have been done in his tenure by the complainant, has been carried out and the payment has been withdrawn against the completed construction, therefore, I am of this opinion that the applicant should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed. 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 his 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. The applicants shall also abide by the following conditions :
- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant 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

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