

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.(A) No. 1319 of 2018**

Smt. Rambha Bai W/o late Anek Ram Aged About 75 Years R/o Village-Persada, (Raymond), Police Station- Mulmula, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through The District- Magistrate Janjgir, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Sumit Singh, Advocate.  
For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****02.11.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
  
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 115 of 2018 registered at police station Mulmula, District Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 409 and 420 of the Indian Penal Code.
  
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The incident is of the year 2013-2014; when this applicant was Sarpanch of Gram Panchayat, she was entrusted with the work of C.C. Road regarding which, the funds were sanctioned by the State

which have been used for the construction and in that respect, the completion certificate was given, which was signed by Chief Executive Officer, Janpad Panchayat and other Officers. There is no misappropriation of the government fund by the applicant. Complainant – Aniruddha Lal Verma who has lost election has made totally false and vague allegation against the applicant and on that basis, this FIR has been registered. Hence, no case is made out against the applicant and the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant has misappropriated Rs.17,35,401/- from the funds allotted for the construction of C.C. Road. Hence, the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. The allegation against the applicant is that she had been Sarpanch of Gram Panchayat in the year 2013-2014 and for executing the work of C.C Road construction a fund of Rs.56,00,000/- was allotted by the Government to the Panchayat. On a complaint made by the villagers, the same was enquired and it was found that the quality of construction was poor and that the applicant was misappropriated Rs.17,35,401/-. Hence, this case.

7. FIR in this case has been lodged on 25.8.2018. On perusal of the case-diary, it appears that the investigation is yet to be made regarding the details of the expenditure made in the said construction to make out the clear case whether the amount was spent or misappropriated. After due

consideration of all the material present in the case-diary and the delay in lodging the FIR, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the Officer arresting her on 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. She shall also abide by the following conditions:

- '(i) that the applicant shall make herself 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 them 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 her by the said Court till disposal of the trial.'

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge