

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 1152 of 2017

Aasim Sona, S/o. Late Shri Josef Sona, Aged about 46 years,
Occupation Sarpanch Gram Panchayat Jagdishpur, R/o. Village
Jagdishpur, Police Station Basna, Tahsil Pithoura, Civil & Revenue
District Mahasamund, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Basna, District Mahasamund, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Sunil Sahu, Advocate.
For State	:	Mr. Shashank Thakur, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/03/2018

1. The present is an application under Section 438 of Cr.P.C. seeking for grant of anticipatory bail to the applicant who is apprehending his arrest in connection with Crime No. 361/2017, registered at Police Station Basna, District Mahasamund, Chhattisgarh for the offence punishable under Section 406/34 of Indian Penal Code.
2. The allegation against the present applicant is that the present applicant in the capacity of Sarpanch, Gram Panchayat, Jagdishpur, Tahsil Pithoura, District Mahasamund is said to have withdrawn certain amounts to be released to the villagers under the different schemes and retained the same with him for a consideration period of time and has not released the same.
3. The counsel for the applicant submits that the entire case is politically motivated in as much as the applicant was got suspended initially, but at the intervention of the High Court the order of suspension got revoked. Subsequently, the political rivals filed a

criminal case against the present applicant, against which the F.I.R. has been lodged for the offence under Section 406/34 of Indian Penal Code. He further submits that the entire allegations also stands disproved for the simple reason that the alleged payment received by the present applicant had already been released to the respective parties on 29.09.2016 itself and the Chief Executive Officer, Janpad Panchayat has lodged a complaint after more than one year i.e. on 10.07.2017 and thus prayed for the present applicant to be granted the benefit of Anticipatory Bail.

4. Mr. Shashank Thakur, Govt. Advocate however opposing the bail application submits that there appears to be allegation of financial irregularities and misappropriation and therefore, considering the nature of allegations, the present applicant does not deserves to be released on Anticipatory bail.
5. Having heard the contentions put forth on either side and on perusal of record, it reflects that there is a statement of Mr. Premulal Sahu, the Nayab Tahsildar, Pithora and also Mr. Tirathram Thakur, the Internal Taxation Officer of Janpad Panchayt, both of whom have admitted the fact that the payments have already been released to the concerned persons on 29.09.2016 itself. The record also shows that the payment was drawn by the applicant only on 20.09.2016 and some amount on 26.09.2016. Thus there also does not seem to be retention of the money by the applicant for a considerable period of time.
6. Considering the facts and circumstances of the case, this Court is of the opinion that prima facie a strong case is made out for grant of anticipatory bail.

7. Accordingly, the present application under Section 438 of Cr.P.C. is allowed. It is ordered that in the event of arrest of the Applicant in connection with Crime No. 361/2017, registered at Police Station Basna, District Mahasamund, Chhattisgarh for the offence punishable under Section 406/34 of Indian Penal Code, if he furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then he shall be released on bail on the following further conditions :

- (i) that the applicant shall make himself available for interrogation before the concerned 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/-
(P. Sam Koshy)
Judge