

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 8 of 2018**

Puhup Ram Yadu, S/o. Late Jhabbu Ram Yadu (wrongly mentioned in the order sheet as Jhabbulal), Aged About 63 Years, R/o. Village Mopar, Thana Suhela, District Baloda Bazar- Bhatapara Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Police Station -Bagbahara, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Deepak Jain, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****25/04/2018**

1. Apprehending arrest in connection with Crime No.147/2016 (wrongly mentioned in the impugned order as Crime No.147/2017), registered at Police Station – Bagbahara, District – Mahasamund for offence punishable under Section 420, 407, 467, 468, 471 and 120-B 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. Co-accused persons in this case have been granted regular bail by the Coordinate Bench of this Court. Charge-sheet in this case has been filed after completion of investigation. No case is made out against the applicant. This applicant had been a public servant in capacity

of CEO Janpad Panchayat, Bagbahara. It is alleged that he was a party to the false withdrawal of allowances for the beneficiaries to which he has explanation that he had believed in his subordinate and gave them blank withdrawal forms signed by him, which has been misused. Hence, it is prayed that, the applicant may be benefited with grant of anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of anticipatory bail and the submission made in this respect. It is submitted that an amount of Rs.2,25,000/- has been defalcated by this applicant along with co-accused persons. The enquiry report of the committee constituted by the Zila Panchayat, Mahasamund clearly mentions that this applicant had not performed his duty vigilantly because of which, the offence has been committed. 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.
5. According to the prosecution case, this applicant was CEO, Janpad Panchayat – Bagbahara and the co-accused persons were employees in that Janpad Panchayat. It is alleged that fake bank accounts of some of the beneficiaries of Indira Awas Yojana were opened in the bank, which were used to withdraw the allowance in favour of the beneficiaries in accordance with the scheme of the State Government by this applicant with collaboration with other co-accused persons, a total amount of Rs.2,25,000/- was withdrawn and misappropriated by this applicant and other co-accused persons.

6. Considered the submissions made and the contents of the case diary. Considering the entire material present in the case diary and for the reasons that the investigation has been completed and presently this applicant has superannuated and living retired life and there appears to be no requirement of his custodial interrogation, hence for this reason, this Court is of the opinion that it is a fit case, where the applicant should be extend the benefit of Section 438 of Cr.P.C.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 concerned Investigating Officer. The applicant 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram