

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1417 of 2018

- Ku. Shail Thakur D/o Late Shri J. R. Thakur, Aged About 37 Years, R/o Laxmi Nagar, Pachpedinaka, Tehsil and District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sakti, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sunil Otwani, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-11-2018

1. Apprehending arrest in connection with Crime No.584/2018, registered at Police Station – Sakti, District Janjgir-Champa, Chhattisgarh for offence punishable under Section 409, 420 read with Section 34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case for act of defalcation in the project office at Sakti that has occurred in the year 2006. The said act of defalcation has been enquired and one co-accused Veerendra Singh was found responsible, who was placed in suspension on 24-09-2008. In the departmental enquiry conducted against him the co-accused Veerendra Singh has been found guilty and punished accordingly. After passing of more than 10 years, the enquiry has been re-opened and the applicant has been served with notice and charge sheet and at the same time the FIR has also been lodged against her. The applicant is a public servant and is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application

submitting that the applicant had been in responsible position at the time of defalcation that occurred in the project office at Sakti and the co-accused Veerendra Singh worked under her. Hence, all the defalcation has taken place with the connivance and approval of this applicant, because of which, she is being proceeded with departmentally as well as criminally. Hence, the application may be rejected. Learned counsel for the State/non-applicant placed reliance on the judgment delivered by Hon'ble the Supreme Court in the matter of **Sudhir Vs. State of Maharashtra**, (2016) 1 SCC 146.

4. Heard learned counsel for the parties and perused the case diary.

5. It is alleged that during the period of 2006 to 2009 this applicant was posted as District Woman and Child Development Officer in Sakti in Janjgir-Champa and was In-charge of the project in Sakti for disbursement of funds for the beneficiaries under the Government schemes. It is alleged that an embezzlement of Rs. 11,99,821/- had taken place, regarding which this applicant has been held responsible in preliminary enquiry conducted.

6. After considering all the facts and circumstances of this case, particularly taking into consideration the fact that earlier co-accused Veerendra Singh has been held responsible and found guilty and the department has been slow in taking action against this applicant for so many years, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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. The applicant 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 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 her by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge