

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 515 of 2019

- Rajin Behara S/o Late Shri Bhanu Behara Aged About 62 Years Caste -Kolta, R/o Village Khairkhuta, Police Station & Tehsil Pithora, District Mahasamund Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Pithora, District Mahasamund Chhattisgarh.

---- Respondent

&

MCRC No. 2284 of 2019

- Suresh Kumar Khute, S/o Madhu Khute, aged about 32 Years, Caste - Satnami R/o Village Kishanpur, Police Station & Tehsil-Pithora, District-Mahasamund Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Pithora, District-Mahasamund Chhattisgarh.

---- Respondent

1. For Applicants : Mr. Surfaraj Khan, Advocates.

For Respondent/ State : Mr. Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

22/04/2019

1. Since the above bail applications are similar in nature and arise out of the same chain of incidents, they are being heard and decided together by this common order.
2. Applicant has filed M.Cr.C(A) Nos.515/2019 seeking anticipatory bail

as he apprehend his arrest in connection with Crime No.39/2019 registered at Police Station-Pithora, District-Mahasamund for the offence punishable under Sections 420 & 120-B Indian Penal Code (for short 'IPC').

3. Applicant has filed M.Cr.C. No.2284/2019 seeking regular bail as he has been arrested in connection with Crime No.39/2019 registered at Police Station-Pithora, District-Mahasamund for the offence punishable under Sections 420 & 120-B of the Indian Penal Code (for short 'IPC').
4. Learned counsel for applicants submitted that applicants have been falsely implicated in this case. No case is made out against them. Initially it was alleged that the applicants had embezzled panchayat fund of Rs.14,20,462/-, but later on in the inquiry conducted by the janpad panchayat, a finding has been given that these applicants have committed financial irregularities in making expenditure of the above mentioned amount which does not amount to commission of offence of embezzlement, therefore, it is prayed that applicant Rajin Behara, who is Secretary of Gram Panchayat, Kishanpur, be granted anticipatory bail and applicant Suresh Kumar Khute in MCRC No.2284/2019, who happens to be Sarpanch of the same gram panchayat to grant regular bail.
5. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that huge amount has been defalcated by both applicants and the same has been found proved in the inquiry in this regard. Hence, applications are liable to be rejected.
6. Heard both the parties and perused case diary.
7. Initially it was alleged that the applicants have embezzled Rs.14,20,462/- from the panchayat funds but inquiry report, which is

part of case diary, mentions that the amount has been lost because of financial irregularities committed by these applicants. Therefore, it is yet to be investigated as to whether applicants were beneficiaries of the amount embezzled or not.

8. After considering on the entire material present on record and looking to the evidence proposed against these applicants, I am of this view that this is a fit case where respective applications filed by the applicants are deserve to be allowed.
9. Accordingly, the anticipatory bail application filed on behalf of applicant- Rajin Behara is allowed and it is directed that in the event of his arrest in connection with the aforesaid offences, he shall be released on bail by the officer arresting him on his executing a personal bond in the 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 them by the said Court till disposal of the trial.

10. Bail application filed on behalf of applicant Suresh Kumar Khute i.e. M.Cr.C. No.2284/2019 is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha