

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 572 of 2019

- Neelam Chandrakar, D/o Pokhan Chandrakar, aged 30 yrs. R/o Ward No.2, Imlibhatha, Post and Tahsil – Mahasamund, District – Mahasamund (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : P.S. - Basna, District Mahasamund (C.G.)

---- Non-Applicant

For Applicant	: Mr. Prafull N. Bharat, Advocate
For State/Non-Applicant	: Mr. I. Lakra, Deputy Government Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/04/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.119/2019 registered at Police Station- Basna, District- Mahasamund (C.G.), for the offence punishable under Sections 420, 409/34 of the Indian Penal Code.
2. Learned counsel for applicant submits that the applicant is innocent and has been falsely implicated in this case. No case is made out against her. The applicant is posted as Sub Engineer in the Office of Janpad Panchayat, Basna. The allegation against her in the FIR lodged to the extent is that she had certified the completion of C.C. Road which infact was not constructed at all. Annexure A/2, a document obtained under the Right to Information Act has been filed, which is an enquiry report by the

committee which had enquired into the complaint, in which it has been clearly mentioned that the Road was constructed which was valued by the Sub Divisional Officer (Rural Engineering Services) and accordingly the payment was released. This applicant is neither trustee or beneficiary in any respect, therefore, it is prayed that application be allowed.

3. Learned State Counsel opposes bail application and submissions made in this respect. It is submitted that the villagers of village Mahaka have filed a written complaint to the Chief Executive Officer, Janpad Panchayat, Basna. On the basis of which, the FIR has been lodged. The allegation made by the villagers is that the said Road is missing from the place of construction, hence, the applicant is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged, the construction of C.C. Road from Mandir Para to Mohaka is shown to have been executed by the Gram Panchayat, which infact is not in existence. It is alleged that the persons concerned have without constructing the said Road, withdrawn the amount on the basis of false muster-roll and certificate of completion.
6. The allegation against the applicant is that she was the person who issued the completion certificate. The document Annexure-A/2 filed by the applicant is an enquiry report, which was officially made whereas FIR is based on the complaint and panchnama made by the villagers, therefore, I am of the opinion that it is fit case for grant of anticipatory bail.
7. 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 her

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 themselves 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge