

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 625 of 2019

- Venudhar Nayak S/o Lalsai Nayak, Aged About 34 Years, R/o Village Lakhanpur, Police Station-Singhoda, Tahsil-Saraipali, District-Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station-Basna, District-Mahasamund, Chhattisgarh.

---- Respondent

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MCRCA No. 668 of 2019

1. Arvind Mishra, S/o Satyanand Mishra Aged About 40 Years (Up - Sarpanch), R/o Gram Panchayat Mohka, Post Singhanpur, Police Station Basna, District Mahasamund Chhattisgarh.
2. Sharda Bhoi, W/o Abhimanyu Bhoi, Aged About 45 Years (Sarpanch), R/o Gram Panchayat Mohka, Post Singhanpur, Police Station Basna, District Mahasamund Chhattisgarh.
3. Kamal Kishore Bhoi, S/o Sonu Bhoi, Aged About 35 Years (Rojgar Sahaya), R/o Gram Panchayat Mohka, Post Singhanpur, Police Station Basna, District Mahasamund Chhattisgarh.
4. Moti Mishra, S/o Staynand Mishra, Aged About 36 Years R/o Gram Panchayat Mohka, Post Singhanpur, Police-Station-Basna, District Mahasamund Chhattisgarh.
5. Ishai Bhoi S/o Sudarshan Bhoi Aged About 52 Years R/o Village Barihapali, Gram Panchayat Mohka, Post Singhanpur Police-Station Basna, District Mahasamund Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For Applicants : Mr. Manoj Paranjpe, Advocate.

For Respondent/State: Mr. I. Lakra, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/05/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in above cases have preferred application for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.119/2019 registered at Police Station-Basna, District – Mahasamund (C.G.), for the offence punishable under Sections 409, 420 r/w Section 34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against them. The Assistant Project Officer, MGNREGA, District Panchayat, Mahasamund had reported to Public Information Officer vide Annexure-A/2 dated 21.2.2019 and the Chief Executive Officer, District- Mahasamund on 8.8.2018 that construction work of deepening and other Construction of Gour Talab and construction of C.C. Road in Mandirpara were completed against which the payment has been released on the basis of completion report. The said construction works were initiated and completed at the instance of Gram Panchayat, Mohka. The audit unit had also inspected the work and found it to be satisfactory regarding which document is attached and entry in this regard had also been made in register of panchayat. Therefore, all the works regarding which allegation has been made in FIR have been completed successfully and against the completion of that work amount has been disbursed. There is no case of defalcation. The complaint has been made with malicious intention on account of

political rivalry. It is also submitted that one similarly placed co-accused namely Neelam Chandrakar has been granted anticipatory bail vide order dated 29.4.2019 passed in MCRCA No.572 of 2019. Hence, it is prayed that anticipatory bail be granted to the applicants.

4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that all the applicants had collaborated and conspired to embezzle funds of panchayat, therefore, villagers of said village made complaint that without making any construction work a false muster-roll has been filled up and false completion report was prepared by the applicants and other accused persons and on that basis panchayat funds have been embezzled, hence, the application be rejected.
5. Heard both the parties and perused the case diary.
6. According to FIR lodged complaint has been filed by some villagers alleging that neither work of construction of C.C. Road nor any deepening work village pond along with other constructions was taken up and that the officers, elected representatives of the Gram Panchayat as well as other officials collaborated & conspired and the panchayat funds were embezzled by all of them on the basis of false muster-roll & certificate of completion.
7. On perusal of inquiry report submitted by the Committee to the Chief Executive Officer of Zila Panchayat, Mahasamund, it is found that the report is positive in favor of applicants. The case may be investigated for collection of other evidence but for the reason that similarly placed co-accused have been granted anticipatory bail, for this reason, I am of this view that all the applicants deserve to be released on anticipatory bail.

8. Accordingly, the anticipatory bail applications of applicants are allowed and it is directed that in the event of their arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :-

- (i) that applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants 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