

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 666 of 2019

- Laxminarayan Banjare S/o Shambhu Ram Banjare, Aged About 63 Years, Caste Satnami, R/o Village Malkharoda, Tahsil And Police Station Malkharoda, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Shashank Thakur, Advocate.

For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-06-2019

1. Apprehending arrest in connection with Crime No.365/2014, registered at Police Station – Dabhara, District- Janjgir-Champa, Chhattisgarh for offence punishable under Section 409, 420, 467, 468 R/w. 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. The applicant was posted as In-charge Chief Executive Officer of Janpad Panchyat Malkharoda, Distt. Janjgir-Champa. The applicant has played no role in the said defalcation for which namely Sarpanch, Secretary and Gram Rojgrar Sahayak are the persons responsible for preparation of forged muster roll. In the report dated 30-08-2014 the over-valuation reported has also of no concern with the applicant as for this over-valuation the Technical Assistant is the person responsible. The applicant has simply in the capacity of sanctioning officer approved the bills for payment of मनरेगा programme, however, as soon as he came to know regarding the defalcation made, he has passed the order for stop payment and the bulk of the funds sanctioned for the same is still lying with the treasury. Therefore, 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 and submits that in report dated 02-09-2014 although the Sarpanch, Secretary and Gram Rojgar Sahayak has been held mainly responsible, but, the applicant has also been held responsible for the dereliction in his duties sanctioning the bills before passing them.

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

5. According to the FIR lodged, in the मन्रेगा programme for year 2014-15 Rs.69,24,000/- was sanctioned in Gram Panchayat Jharra. It is alleged that forged muster roll were prepared for the purposes of payment of wages to fictitious labourers and the amount has been defalcated by the persons concerned who were Data Entry Operator, Technical Assistant, Programme Officer, Secretary and Employment Assistant in the said Gram Panchayat. The matter was enquired and the report has been submitted, in which this applicant has been held responsible for dereliction in performance of his duties.

6. After considering the nature of allegation against the applicant and that the allegation is mainly against the persons who were responsible for the field work, 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, 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge