

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 886 of 2019

- Ramesh Chouhan S/o Late Shri Lachhi Ram Chouhan Aged About 44 Years Occupation Kotwar, Gram Panchayat Pakariya, R/o Village Pakariya, Police-Station-Sheorinarayan, Tahsil-Pamgarh, District Janjgir-Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police-Station Sheorinarayan, District-Janjgir-Champa, Chhattisgarh.,

---- Respondent

For Applicant : Mr. C.K. Kesharwani, Advocate.

For Respondent : Mrs. Madhunisha Singh, Panel Lawyer.

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

26/06/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.99/2019 registered at Police Station-Sheorinarayan, District- Janjgir-Champa, Chhattisgarh for the offence punishable under Section 420 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant is merely a Gram Kotwar and he is not the person, who is entrusted with any funds or responsible for allotment in the Pradhan Mantri Awas Yojna. All these acts are under the responsibility of Sarpanch, hence, no case is

made out against this applicant, therefore he may be enlarged on anticipatory bail.

3. Learned State counsel opposes bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged in this case, the complaint was filed against Sarpanch Ganesh Ram Chouhan making allegation, that he has embezzled the public funds which was allotted for construction of 'Toilets'. He has received commission for allotment of house in Pradhan Mantri Awas Yojna from the beneficiaries and is engaged in encroachment of government lands and selling it. The allegation against this applicant is this that he is involved that all these acts.
6. On perusal of the contents of the case diary and considering the facts, it is clear that this applicant not in such a position to receive any funds from the state government or neither he has any authority to make any allotment in the Pradhan Mantri Awas Yojna, therefore, I feel inclined to allow application of this applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection with aforesaid offence, 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 him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha