

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 983 of 2019

- Rakesh Tondon, S/o Amrit Tondon, Aged About 30 Years, R/o Village Harinbhatha, Police-Station-Simga, District-Baloda Bazar, Bhatapara Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

MCRCA No. 1036 of 2019

1. Surendra Banjara, S/o Hariram Banjara Aged About 36 Years R/o Village- Dongripali, Post Office And Police Station- Basna, Tahsil-Pithoura, District- Mahasamund, Chhattisgarh.
2. Shaktiram Banjara S/o Late Bhavsingh Banjara Aged About 49 Years R/o Village- Devalgarh, Post Office And Police Station- Basna, Tahsil-Pithoura, District-Mahasamund, Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For Applicants	:	Mr. Anshul Tiwari on behalf of Mr. Manoj Paranjpe, Advocate in MCRCA No.983/2019. Mr. Shivendu Pandya, Advocate in MCRCA No.1036 of 2019.
For Respondent/State	:	Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/08/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed off by this common order.
2. Above applications have been preferred by the applicants 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 the Indian Penal Code.
3. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. Applicant Rakesh Tandon was working as Assistant Technician under Janpad Panchayat, Basna. The work regarding which complaint has been made was actually executed, but only for the reason that it was executed in different place than the place marked for it, this false complaint has been lodged. This applicant has not played any role in withdrawal of funds and other activities.

On behalf of applicant Surendra Banjara, it is submitted that he was working as AG-III and only allegation against this applicant is this that he misplaced the files relating to execution of project and regarding withdrawal of payments for the same. He is not at all involved in the alleged commission of offence and it is a departmental matter, hence, it is prayed that both the applicants be granted anticipatory bail.

4. Learned State counsel opposes bail applications and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. The case of prosecution, in brief, is this, that a complaint was made by some villagers alleging that the construction work of CC Road and

deepening of pond within gram panchayat was not executed by the officers and they have withdrawn and embezzled the funds sanctioned for the aforesaid works. Hence, this case.

7. After perusal of the entire contents of case diary, it is found that initially an inquiry was conducted by a Committee and the report was given in favor of the persons concerned. Furthermore, similarly placed co-accused Neelam Chandrakar, Venudhar Nayak, Arvind Mishra, Sharda Bhoi, Kamal Kishore Bhoi, Moti Mishra & Ishai Bhoi have been granted anticipatory bail by this Court. In these circumstances, I am inclined to allow anticipatory bail applications of both the applicants.
8. Accordingly, anticipatory bail applications of applicants are allowed and it is directed that in the event of their arrest in connection with aforesaid offence, they shall be released on bail by the officer arresting them on their executing 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 the 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 them/their 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 applicants shall appear before the trial Court on each

and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha