

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1147 of 2019**

- Ganesh Ram Chauhan S/o Late Lachchhiram Chauhan Aged About 50 Years R/o Village- Pakariya, Police Station- Shivrinarayan, Tahsil- Pamgarh, District- Janjgir- Champa, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Shri Aditya Sharma, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.
For Objector	: Shri Kalpesh Raparel, Objector

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****18/10/2019**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 99/2019 registered at Police Station Shivrinarayan, District – Janjgir-Champa, (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
2. In the present case, there are total two accused persons. Present Applicant at the relevant time was the Sarpanch of the Village. As per the prosecution story, Complainant filed a complaint alleging therein that present Applicant alongwith co-accused Ramesh Chouhan of the village Pakariya embezzled the public funds which was allotted for construction of toilets under government schemes. It is also alleged that present Applicant received illegal commission for construction of house under Pradhmantri Awas Yojna from the beneficiaries and is

engaged in encroachment of government lands and selling it. On the basis of the above background, offence has been registered.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no case under Section 420 of I.P.C. can be made out against the present Applicant. On the same fact of evidence, co-accused Ramesh Chouhan has already been granted anticipatory bail by this Court vide order dated 26.06.2019 passed in MCRC(A) No. 886/2019. Therefore, Applicant may also be granted the benefit of anticipatory bail.
4. Learned Counsel appearing for the State and Objector oppose the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the facts and circumstances of the case and particularly considering the fact that co-accused Ramesh Chouhan has already been granted anticipatory bail by this Court vide order dated 26.06.2019 passed in MCRC(A) No. 886/2019, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
 - (i) He 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 from disclosing such fact to the Court,

- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge