

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1068 of 2019

Virendra Kumar Upadhyay S/o Late Shri Radheshyam Upadhyay
Aged About 40 Years Caste- Brahman, R/o Akhrabhatha, Ward No.
10, Sakti, District- Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For applicant – Shri Shashank Thakur, Advocate.
For State- Shri Sudeep Verma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

02/08/2019

1. This is second bail application under section 438 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 1/05/2018 vide M.Cr.C.(A) No.160/2018.
2. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.366/2014 registered at Police Station Dabhara, District Janjgir-Champa (C.G.) for offence punishable under Sections 409, 420, 467, 468 R/w Section 34 of Indian Penal Code.
3. As per the prosecution case, the applicant was working as data entry operator and during the work of MNREGA forged entries were made and on the basis of the forged entries, payments were made.
4. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the case, because of the over valuation confusion has occurred of the work and record would show that actual payment has not been made, therefore no occasion arises that may cause

loss to the State. It is further submitted that the applicant in like nature of case has been enlarged on anticipatory bail by the coordinate bench of this court in Crime No.365/2014 on 22/02/2019 and therefore the applicant may be granted benefit of anticipatory bail in this case too.

5. Learned State counsel opposes the prayer for grant of anticipatory bail.

6. Perusal of the record shows that first bail application was dismissed as withdrawn on 1/05/2018 vide M.Cr.C.(A) No.160/2018 with liberty to the applicant to surrender himself before the regular court. However, it appears that thereafter the applicant has not surrendered before the court. Charge sheet in this case appears to be filed in the year 2016. Allegation have been attributed against the applicant that during the work of MNREGA forged entries were made and on the basis of the forged entries, payments were made. Considering these facts and the fact that the applicant was absconding till date, I am not inclined to extend benefit of anticipatory bail to the applicant.

7. Accordingly, the second anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE