

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1286 of 2019

1. D. Ravi Kumar Sahu, S/o Late Shri Sitaram Sahu Aged About 46 Years R/o Village Machoud, Tahsil and Police Station Gunderdehi, District Balod, Chhattisgarh.
2. Rekhuram S/o Tiharuram Aged About 43 Years R/o Village Machoud, Tahsil and Police Station Gunderdehi, District Balod, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Police Station Gunderdehi, District Balod, Chhattisgarh.

---- Respondent

MCRCA No. 1300 of 2019

- Smt. Bharti Sahu D/o Shri Ishwar Lal Sahu, Caste Teli, Aged About 29 Years R/o Village Khalari, Tahsil and District Gunderdehi, District Balod, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Gunderdehi, District Balod, Chhattisgarh.

---- Respondent

MCRCA No. 1315 of 2019

- Ku. Hemlata Sahu D/o Banshilal Sahu Aged About 27 Years R/o Village - Machaud, Police Station - Gundardehi, District – Balod, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Gundardehi, District – Balod, Chhattisgarh.

---- Respondent

For Applicants (MCRCA No. 1286/2019) : Shri P.R. Patankar, Advocate.

For Applicant (MCRCA No. 1300/2019) : Shri Shikhar Sharma, Advocate.

For Applicant (MCRCA No. 1315/2019) : Shri Chandra Shekhar Kaushik, Adv.
For Respondent/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/11/2019

1. Heard.
2. Since all three cases arise out of same Crime No., therefore, they are being disposed of by this common order.
3. The Applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 267/2019 registered at Police Station Gunderdehi, District – Balod, (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B of Indian Penal Code.
4. In this case there are total five accused persons. Applicant No. 1 & 2 (MCRCA No. 1286/2019) are the Sarpanch and Secretary of Gram Panchayat, Machoud, respectively. Applicant Bharti Sahu (MCRCA No. 1300/2019) and Applicant Hemlata Sahu (MCRCA No. 1315/2019) are the Rojgar Sahayak of said Gram Panchayat. Vijay Sahu, Kamal Narayan, Dauwaram and other villagers have levelled allegations against the present Applicants that they have done cheating by preparing forged documents and forged entry in the muster roll. These allegations were published in the newspapers also. Thereafter, S.D.O, Gunderdehi constituted an inquiry committee. It was found in the inquiry committee that one Meena Bai has been paid Rs. 176 as one day wage for the work she has not done. One Sonia Sahu has also been paid Rs. 860 as five days wage rate for the work she has not done. It is alleged that misappropriation has been done by the present Applicants by making forged entry in the attendance register. On the basis of the said, offence has been registered.

5. Learned Counsel appearing for the Applicants submit that the applicants are innocent and have been falsely implicated in the present case. They further submit that entry in the muster roll has been done by co-accused Khuman Sahu and present Applicants have played no role in the alleged act. It is further submitted that Sonia Sahu is the sister-in-law of co-accused Khuman Sahu and due to that he had made forged entry of her name in the muster roll. Payment made to Meena Bai and Sonia Sahu i.e. Rs. 176, & Rs. 860 respectively have already been deposited by them in the account of C.E.O. Janpad Panchayat, Gunderdehi. Thus, it is jointly submitted by learned Counsels that applicants are reputed persons and they have played no role in the crime in question. Therefore, they may be granted benefit of anticipatory bail.
6. Learned Counsel appearing for the State opposes the bail application.
7. I have heard learned Counsel appearing for the parties and perused the material available with due care.
8. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the report of inquiry committee where it has been concluded that co-accused Khuman Sahu has done forged entry in the muster roll, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
9. Accordingly, the bail applications are allowed.
10. It is directed that in the event of arrest of the Applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them 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. They shall also abide by all the following terms and conditions :
 - (i) They 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 fact to the Court,

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

Sd/-
(Arvind Singh Chandel)
Judge