

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1479 of 2019

- Smt. Khileshwari Sahu W/o Yokeshwar Sahu Aged About 35 Years R/o Village Gagra, Police Station Arjuni, District Dhamtari Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Arjuni, District Dhamtari Chhattisgarh

---- Respondent

For Applicant	: Mr. Anil Gulati, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/11/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as she is apprehending her arrest in connection with crime no. 177/2019, registered at Police Station Arjuni, Distt. Dhamtari (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 409 & 120-B of the IPC.
2. As per prosecution story, the applicant is the Sarpanch of Gram Panchayat Gagra. It is alleged that in year 2015-16, total sum of Rs. 23,78,716 was sanctioned for construction of Toilet. Allegedly, some of Rs. 2,57,122/- was misappropriated by the applicant and other co-accused persons
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. *Prima Facie* no case can be made out against her, she is lady and Sarpanch of Gram Panchayat Gagra. He further submits that on 21.01.2016, a meeting was conducted and on the said date with the consent of other members of Gram Panchayat, a resolution was passed

and the work of construction of toilet handed over to Devnarayan Kanwar, who is the Panch of said village. On 03.02.2018 also with the consent of said members, the same resolution was passed. He finally submits that the applicant is a lady, having two children and she is a Sarpach of Gram Panchyat Gagra and there is no chance of her absconding, therefore, the applicant may be granted benefit anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application and submits that involvement of the applicant is well established in the matter, therefore, she may not be granted benefit of anticipatory bail.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that there is sufficient material evidence available on record against the applicant in the said crime. Without further commenting on merits of the case, in my considered opinion, it is not a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is rejected.
8. However, in the event of filing of bail application under Section 439 of Cr.P.C. on behalf of the applicant before the Trial Court, Trial Court is directed to decide the said application in accordance with law, preferably on the same date of its filing.

Sd/-

(Arvind Singh Chandel)
Judge