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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1684 of 2018

1. Smt. Soniya Anant W/o Suresh Kumar Anant, Aged About 36 Years, Principal, S.M. Bhargav Higher Secondary School, Levai, R/o Chakabuda, Police Station Bankimongra, Tahsil Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh
2. Suresh Kumar Anant S/o Sunaram Anant, Aged About 42 Years, Principal, Gyan Bharti, Higher Secondary School, Kurma (Block Baloda), R/o Chakabuda, Police Station Bankimongra, Tahsil Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh
3. Sukhsagar Kurre S/o Late Ujala Prasad, Aged About 38 Years, Principal, Aman Higher Secondary School, Udaypur (Budgahan), R/o Village Jorhadabri, Police Station Pali, District Korba Chhattisgarh, District : Korba, Chhattisgarh
4. Neelaram Kurre S/o Dukaluram Kurre, Aged About 38 Years, Principal, Maa Jayjanni Higher Secondary School, Bagdabri (Block Baloda), R/o Village Bagdabri, Tahsil Baloda, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Baloda, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

MCRCA No. 1690 of 2018

1. Smt. Sunita Anant W/o Rajendra Anant, Aged About 32 Years, Principal, Abhijit, Government Higher Secondary School, Kathapali, R/o Village - Chakabuda, Police Station Bankimongra, Tahsil Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh
2. Smt. Basanti Anant W/o Rajesh Kumar Anant, Aged About 35 Years, Principal, Indira Gandhi Government Higher Secondary School, Panorapara, Budgahan, R/o Village - Chakabuda, Police Station Bankimongra, Tahsil Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh
3. Rajendra Kumar Anant S/o Sunaram, Aged About 39 Years, Principal, Neelkanth Higher Secondary School, Nawapara, (Block Baloda), R/o Village - Chakabuda, Police Station Bankimongra, Tahsil Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh
4. Rajesh Kumar Anant S/o Sunaram, Aged About 45 Years, Principal, Maa Khamdeshwari Government Higher Secondary School, Bagdabri (Block Baloda) R/o Village - Chakabuda, Police Station Bankimongra, Tahsil Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Baloda, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicants – Shri Arvind Shrivastava, Advocate.

For Non-applicant/State – Shri Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-01-2019

1. As both these applications arise out of the same crime number, i.e., Crime No.178/2018, registered at Police Station Baloda, District Janjgir-Champa, Chhattisgarh, for the offence punishable under Section 409, 419, 420, 467, 468, 471, 34 of the IPC, they are being decided by this common order.
2. These applications have been filed by the applicants under Section 438 of the Cr.P.C. for grant of anticipatory bail as they are apprehending arrest in connection with aforesaid crime number and offence.
3. It is submitted by learned counsel for the applicants in both the applications that the applicants have been falsely implicated in this case. No case is made out against them. Similarly placed co-accused persons have been granted anticipatory bail by this Court. The allegation that has been made against these applicants is based only on one audit report and no preliminary enquiry has been made in this respect fixing responsibility of the applicants in particular. Therefore, it is prayed that these applicants may be benefited with grant of anticipatory bail.
4. Learned counsel for the State/non-applicant opposes the applications and submits that serious allegations have been made against the applicants and other co-accused persons regarding embezzlement of Rs.74,58,000/-, hence, the applications may be rejected.
5. Heard learned counsel for the parties and perused the case diary.
6. The FIR has been lodged by the Additional Commissioner, Tribal

Welfare Department stating that during the period starting from 1996 upto 2016 funds for payment of scholarships to poor students of various categories were allotted by the State Tribal Welfare Department, the same was withdrawn but not disbursed to the beneficiaries and that was misappropriated by the persons concerned. Hence, this case.

7. For the reason that no enquiry has been made to fix responsibility in particular of any of the applicants and other co-accused persons, also that similarly placed co-accused persons have been granted anticipatory bail, I feel inclined to allow both these applications.

8. Accordingly, both the anticipatory bail applications are allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that 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 facts to the Court or to any police officer;
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge