

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1747 of 2018**

1. Suraj Samrath S/o Late Ghanshyam Samrath Aged About 48 Years Caste Halba, R/o Village Narayanpur, Thana And Tahsil Bhanupratappur, District- Uttar Baster Kanker, Chhattisgarh., District : Kanker, Chhattisgarh
2. Visham Patel S/o Late Buturam Patel Aged About 52 Years Caste Marar, R/o Village Narayanpur, Thana And Tahsil Bhanupratappur, District- Uttar Baster Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

---- Applicants**Versus**

The State Of Chhattisgarh Through Police Station Bhanupratappur, District- U.B. Kanker, Chhattisgarh., District : Kanker, Chhattisgarh.

---- Respondent

For the Applicants : Shri Parag Kotecha, Advocate.
For the Respondent/State : Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.02.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 254 of 2015, registered at Police Station – Bhanupratappur, District Uttar Bastar, Kanker, Chhattisgarh for the offence punishable under Sections 420, 467 and 468 of the Indian Penal Code.
3. It is submitted by counsel for the applicants that they have been falsely implicated in this case. No case is made out against the applicants

on the basis of the material placed before the Court by the prosecution. The applicants had been Ex-Sarpanch and Secretary of the Panchayat. The allegation made against them regarding defalcation of the funds of Panchayat is totally false and baseless. The applicants were not given proper opportunity to explain their case and that is why, the Secretary filed a writ petition before this Court. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the enquiry report made by the District Auditor both the applicants had been held responsible for defalcation of huge Panchayat funds. Hence, it is prayed that the applicants are not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. The case against the applicants is that during their tenure as Sarpanch and Secretary of Gram Panchayat, Narayanpur from 2011 to 2014 both the applicants had withdrawn the funds for construction of toilets and the same was not utilized for the said construction. Some plots were also sold by the Panchayat and the consideration amount has been misappropriated by them. Hence, this case.

7. Considering all the material present in the case-diary, I do not feel inclined to allow the application.

8. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi