

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 553 of 2020

1. Prahlad Jaiswal S/o Chhedilal Jaiswal, Aged About 40 Years R/o Sell, Kasdol, Baloda Bazar, District Baloda Bazar - Bhatapara Chhattisgarh.
2. Mulchand Jaiswal S/o Bharat Prasad Jaiswal, Aged About 48 Years R/o Sukli, Gidhouri, Kasdol, District Baloda Bazar - Bhatapara Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through - Police Station Kasdol, District Baloda Bazar - Bhatapara Chhattisgarh.

---- Respondent

For Applicants	: Mr. Tarendra Kumar Jha, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/06/2020

1. The matter is heard through Video Conferencing.
2. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with Crime No. 151/2020, registered at Police Station: Kasdol, District: Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 420 r/w 34 of IPC.
3. According to the case of prosecution, between the year of 2011 to 2015, Applicant No.01 was the Sarpanch and Applicant No.2 was the Panchayat Secretary of Gram Panchayat. Total 26 units of work was done under the scheme of MNREGA on 06.03.2020. C.E.O of Janpad Panchayat made a report alleging therein that, out of 26 units of work, there were some irregularity in 08 units due to which there was a loss of Rs.57,26,884/-. On the basis of said, offence has been registered.
4. Learned counsel appearing on behalf of the applicants submits that the applicants have been falsely implicated in the present case. He submits that incident occurred between the year 2011 to 2015 and the report is lodged

against the present Applicants after 08 years of incident in the year 2020. He also submits that referring to the report of coordinator of MNREGA Annexure A-5, it is mentioned that all the work have been duly completed therefore, no case is made out against the present Applicant, therefore, it is prayed that the Applicants may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties, particularly considering that there was delay of 08 years in lodging the FIR, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the Applicant.
8. Accordingly, this anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants 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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicants shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge