

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 556 of 2020

Ramsundar Yadav S/o Late Jagdish Prasad Yadav, aged about 69 years, R/o Ramanujganj, Police Station- Ramanujganj, District- Balrampur Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - Kusmi, District- Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Nishi Kant Sinha, 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 applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with Crime No. 73/2018, registered at Police Station: Kusmi, District: Balrampur, Ramanujganj (C.G.) for the offence punishable under Section 197, 202, 218, 465 & 466 of IPC.
3. According to the case of the prosecution, one Somnath Bhagat, R.T.I Activist, lodged a complainant before the Collector, District: Balrampur-Ramanujganj (C.G.) in the year 2016. Allegations leveled against the present Applicant and other co-accused persons is that, kitchen sheds were constructed in 17 Primary Schools and 09 Middle Schools but despite of that, present Applicant had prepared forged documents showing construction of more kitchen sheds thereby, they committed financial irregularities of Government funds. On the basis of said, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He submits Prima Facie no case can be made out against the present Applicant because the alleged incident is of the year 2009. The present Applicant retired from his service on 2012. He also submits that on the same set of facts other co-accused persons

namely Janmjay Singh & Rajeev Pathak have been granted benefit of anticipatory bail by this Court vide order dated 11.10.2018 & 16.12.2019 passed in MCRCA No.1181/2018 & MCRCA No.1543/2019 respectively, therefore, it is prayed that the Applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State as well as counsel for the objector opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case and arguments adduced by the counsel for the parties, 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, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on 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/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicant 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/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicant 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