

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 580 of 2020

Manharan Lal (M.L.) Mandavi, Aged about 53 years S/o Shri Dav Singh Mandavi R/o The Chief Executive Officer, Janpad Panchayat, Devbhog District Gariyaband (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station Palari, District Balodabazar(C.G.)

---- Respondent

For Applicant	:	Mr. Y.C. Sharma, Advocate
For Respondent	:	Mr. Anand Verma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order

24/06/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 135/2008 registered at police station – Palari, District Balodabazar (C.G.) for the offence punishable under Sections 467, 468, 471 and 420 of the IPC.
3. According to the case of the prosecution, the applicant was posted as CEO of Janpad Panchayat, Pallari. At that time, total 133 Siksha Karmi were recruited. It is alleged that out of 133 Siksha Karmi, 98 persons were recruited on the basis of forged documents. After making inquiry, the then Collector canceled the recruitment of those 98 Siksha Karmi and directed to register the FIR. On the basis of that, on

25/05/2008 FIR has been registered by the then CEO, Ram Khilawan Sharma.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated. He further submits that the incident is of the year 2007 and at that time the applicant was CEO in the Janpad Panchayat. There was a committee of three members for recruitment of Siksha Karmi and on their recommendations, he had issued appointment orders. He was not having any knowledge that the documents were faked. He further submits that after lodging the FIR, he made an application to the Commissioner whereupon the Commissioner had directed to conduct a fresh inquiry and to quash the FIR, but the police official did not make any inquiry and after 12-13 years, they are trying to arrest the applicant.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties, particularly considering the fact that the incident is of the year 2007, the FIR has been lodged in the year 2008 and the police official did not arrest the applicant since 2008 meaning thereby there is no need of custodial arrest of the applicant, without further commenting on other merit of the case, I am inclined to release the applicant on anticipatory bail.

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 bond in the sum of Rs.10,000/- 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 make 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.
10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge