

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No.643 of 2020

Budharuram Manikpuri, S/o Sukaludas Manikpuri, aged about 39 years,
R/o Village Katul board, P.S. Kurud, Tehsil Kurud, District Dhamtari
Chhattisgarh.

Versus

State of Chhattisgarh, Through SHO Police Station, Arjuni, District
Dhamtari, Chhattisgarh.

For Applicant : Mr. BP Singh, Advocate.

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/07/2020

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. 179/2019, registered at Police Station Arjuni, Distt. Dhamtari, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 471, 409, 120-B r/w Section 34 of the IPC.
3. As per prosecution story, at the relevant time co-accused persons namely Nand Kumari Sahu and Bhavani Pratap Jangre were posted as Sarpanch and Secretary of Village Panchayat Dhaura-Bhata respectively. Co-accused Deepak Sahu and the applicant was the contractor and supervisor at that time. In the year 2016-17 Rs. 27,72,000 was sanctioned to said Village Panchayat under the scheme of Swachh Bharat Mission and MGNREGA. It is alleged that

, the applicant along with the co-accused persons had embezzled sum of Rs. 6,72,732/- during the said period. One Loknath Devangan has lodged a report in this regard. On the basis of said report, offence has been registered against the applicant.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that case of the prosecution is based upon the inquiry reports. Virtually, on the same date and time two inquiry were conducted by inquiry committee wherein the inquiry reports show that amount of embezzlement was completely different because in one inquiry report, amount embezzled was Rs. 6,72,322/- and in another inquiry report, amount embezzled was Rs. 4,15,735/- Thus, entire case of prosecution seems to be doubtful. It is further submitted that in the year 2016-2017, all the works were completed and in this regard, ODF Certificate was also given by the Collector to Village Panchayat Dhaura-Bhata. All the beneficiaries were also made payment and all the beneficiaries have also executed an affidavit wherein they have admitted the fact that all works assigned to them have been completed, dues were paid and they have no any grievance in this regard. The Counsel further submits that on the same facts and evidence, other co-accused persons have already granted benefit of bail by this Court vide order dated 17.03.2020. Hence, it is prayed that applicant may also be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State oppose the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that on the same facts and evidence, other co-accused persons have already granted benefit of bail by this Court vide order dated 17.03.2020. Without further commenting on other merits of the case, I am inclined to grant benefit of 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 for a sum of Rs. 25,000/- with one solvent 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 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