

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 632 of 2020

- Dhassuram Mandavi S/o Shri Jhagduram Mandavi, Aged About 40 Years, Caste Gond, R/o Koliyari, P S Aamabeda, District North Bastar, Kanker, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The S H O, Police Station P S Aamabeda, District North Bastar, Kanker, Chhattisgarh.

---- Respondent

For Applicant : Shri Sandeep Shrivastava, Advocate.

For Respondent/State : Smt. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

05/08/2020

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 4/2013 registered at Police Station Aamabeda, District – North Bastar Kanker, (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 409, & 34 of the Indian Penal Code.
3. In the present case, at that relevant time applicant was posted as the Secretary of Gram Panchayat. According to case of the prosecution, applicant alongwith other co-accused persons has made various forged payments on the strength of forged wage list/muster roll in

connection with work of road between Badedevta & Kotkud under Mahatma Gandhi National Rural Employment Guarantee Scheme and when the applicant failed to deposit the defalcated amount, the Lokpal, Mahatma Gandhi National Rural Employment Guarantee Scheme passed an award not only for taking departmental action against the applicant and others but also lodged F.I.R. against them. On the basis of the above background, offence has been registered.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that applicant has complied with the award passed by the Lokpal, Mahatma Gandhi National Rural Employment Guarantee Scheme and deposited the alleged defalcated amount, annexed as A/2. It is further submitted that the entire work sanctioned by the Janpad Panchayat Antagarh was done under the supervision of the concerned Program Officer and the payment has been made only after the physical verification of the work done by the officers of the Janpad Panchayat Antagarh. Since, there is no direct allegation against applicant and he has already complied with the orders of the Lokpal and the fact that F.I.R. has been lodged in the year 2013, it is prayed that applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
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 particularly considering the fact that F.I.R. has been lodged in the year 2013, he has already complied with the orders of the Lokpal and deposited the defalcated amount, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

8. Accordingly, the bail application is allowed.

9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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