

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 687 of 2020**

- Rakesh Raman Singh S/o Shri Vishwanath Singh Aged About 60 Years Caste - Kshatriya, Occupation - Service (Surveyor, Soil Conservation Department, Department Of Agriculture), R/o Near To Mission Hospital, Kedarpur, Ambikapur, Thana And Tehsil Ambikapur, District Surguja, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The S.H.O. P.S. Lundra, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Shri Kishore Bhaduri, Advocate.

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

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****03/07/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No.61/2009 registered at Police Station Lundra, District Surguja, (C.G.) for the offence punishable under Sections 420, 409, 467, 468, 471, 34 of Indian Penal Code.
2. Prosecution case, in nutshell, is that, in connivance with the co-accused, as against the sanctioned 72 hectares in the village Batwahi and 250 hectares in the village Karra, the plantation of *Ratan Jot* (Alkanet Root) was carried on only in 14.589 hectares and 48.294

hectares respectively. Hence, present applicant and other co-accused persons caused losses to the public exchequer. In this regard, a complaint was preferred by one Amarnath Pandey. Thereafter, being directed by concerned J.M.F.C., on 30.6.2009 F.I.R. was registered.

3. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case. He further submits that at the relevant time, he was posted there as Agricultural Development Officer and he was engaged with the said project to be executed in the Lundra Development Block. The duty of the present applicant was confined merely to attesting the Inspection Report concerning the execution of the project after undertaking the required enquiry which was to be forwarded to the Deputy Director, Department of Agriculture, Ambikapur for verification and attestation. The applicant had absolutely no drawing and disbursement power and had undertaken no financial transaction. The village level Vigilance & Evaluation Committee acted as the supreme body and supervised the overall quality and progress of the work. None of the members of the said committee has been arrayed as a co-accused in the present case. He further submits that after completion of the project, the same was handed over to the concerned Gram Panchayat which issued certificates ascertaining the completion of the project as per the stipulated standard. Project was completed in the year 31.12.2005. After the completion of the project, there was no provision for upkeep and safety of the plantation which resulted into frequent encroachment by the local villagers and cattle/animal leading to substantial damage to the plantation as a result of which a huge part of the same was lost.

After the lapse of 3 years of the completion of the project, complaint was made. It is further submitted that applicant is an old aged person suffering from multiple diseases. Also, no custodial interrogation is required. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, particularly considering the allegations levelled against applicant and even after the lapse of about 11 years, investigation is still going on, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.
8. 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 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**

Prakash