

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 878 of 2020**

Smt. Devika Uieke, W/o Dilip Uieke, aged about 40 years, Ex. Sarpanch of the Gram Panchayat, Sulaoni- Belha, Tehsil and Police Station masturi, Bilaspur Revenue and Civil Distt. Bilaspur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through SHO Police Station Pachphedi, Distt. Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mr. Rupesh Shrivastava, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**01/10/2020**

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 she is apprehending her arrest in connection with Crime No. 102/2019 registered at police station – Pachphedi, Masturi (C.G.) for the offence punishable under Sections 406, 409, 420, 467, 468, 471 and 120-B of the IPC.
3. At the relevant time, the applicant was Sarpanch of the concerned Gram Panchayat. On 16/11/2018, Complainant Ramhari Sahu made a report before the Police Station and higher police official alleging therein that the applicant had mishandled and embezzled the lease amount of Darra Ganga Sagar Talab, Jorwa Talab, Hand pump drilling,

amount of stationary purchase, pension amount, purchase of chair, tale Alimirah, mat and electrical items for Gram Panchayat. On the basis of said report, 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 due to political rivalry with the Complainant. Virtually, the Complainant was defeated candidate in which the applicant was elected in the year 2015. Thereafter, the Complainant threatened the applicant that he will not let it work to the applicant. He also filed an election petition which was dismissed by the Sub Divisional Officer, Masturi, inspite of that he never stopped and again and again made false complainant against the applicant which were also rejected again and again. Thereafter, the Complainant falsely implicated the applicant making conspiracy with the then Secretary Rajkumar and started to make forged documents and with criminal conspiracy kept the record of the gram Panchayat and produced the forged bill, vouchers and cash book, cash receipt for the gram Panchayat, before the auditors and after obtaining the adverse remark in the audit report, filed a false and baseless complainant before Superintendent of the Police Bilaspur and Revenue Officer. At that time, Sub Divisional Officer, Revenue Masturi had issued a show cause notice and charge-sheet to the applicant and finally he was terminated. Before termination, the applicant had made several representations before the competent authority to remove the services of the Secretary namely Rajkumar, but the authorities have not taken any action against him. He further submits that the police has registered the case only on the basis of false complaint made by

the private person. Initially, an inquiry was conducted in the year 2017 and at that time FIR has neither been lodged nor recommended by any of the official. All the allegations made in the complaint submitted by the Complainant have been duly inquired and the irregularities as alleged has been committed by the then Secretary of the Panchayat. The applicant is illiterate lady. All the documents were kept in the possession of the Panchayat Secretary. Virtually the Panchayat Secretary Rajkumar had prepared the forged documents and gave the information to the private person i.e. the Complainant to falsely implicate the applicant. He further submits that the incident is of the year 2015-16 and FIR has been lodged after two years i.e. in the year 2018. All the material documents have already been recovered by the prosecution, therefore, custodial interrogation is not required, therefore, he prays to extend the benefit of anticipatory bail to the applicant.

5. Learned counsel appearing on behalf of the State opposes the said application and submits that there is sufficient material available on record against the applicant.
6. I have heard counsel for the parties and have gone through the contents of the FIR, audit report and other material annexed with the petition.
7. Considering the facts and circumstances of the case, particularly considering that the alleged incident is of the year 2015-16, initially an inquiry was conducted in the year 2017, but at that time no FIR has been lodged or recommended, and after one year a private complaint

has been lodged against the applicant, and further considering the fact that all the material documents have already recovered by the prosecution and it appears that no custodial interrogation is required, without further commenting on other merit of the case, I am inclined to extend the 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 bond in the sum of Rs.10,000/- with one surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:
 - i. That, the accused/applicant shall make herself 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 her by the said Court till disposal of the trial.
10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge