

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 958 of 2020**

- Daitari Barik S/o Nirakar Barik Aged About 36 Years R/o Village - Pretandih, P.S. - Saraipali, District – Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through - P.S. - Saraipali, District – Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Shri Rajesh Kumar Kesharwani, Advocate.

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

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****13/10/2020**

Heard through video conferencing.

1. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 242/2020 registered at Police Station Saraipali, District – Mahasamund, (C.G.) for the offence punishable under Sections 409, 420 of the Indian Penal Code.
2. According to the case of the prosecution, at the relevant time present applicant was posted as *Rojgar Sahayak* in Gram Panchayat Pretandih. It is alleged that by making forged entries in the muster-roll, applicant has embezzled amount of Rs. 50,838/-. It is further alleged that applicant has made forged entries of the persons who are dead and persons who reside outside of the village. Thus, applicant has

embezzled the public money. On the basis of the report made by the complainant, offence has been 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 being a *Rojgar Sahayak*, applicant's work was to make co-ordination among workers. The entries in the muster-roll was done by the Mate only. It is further submitted that as per the enquiry report, Pratap Swai, Secretary and Narendra Sahu, Sarpanch, Gram Panchayat Pretandih were held responsible for the alleged embezzled amount but F.I.R. was lodged against present applicant only. Since, the Mate has made the alleged forged entries in the muster-roll and applicant has not made the alleged entries, *prima facie*, no offence is made out against applicant. Thus, it is prayed that applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the anticipatory bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available.
6. 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 after perusal of the enquiry report, contents of F.I.R. and from the directions of the *Mate Nirdeshika* submitted by the applicant, it appears that alleged entries were made by the Mate only, 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 anticipatory 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