

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1049 of 2020

Dilip Singh Thakur S/o Danbahadur Aged About 25 Years Resident Of Village-
Amadand, Tahsil And Police Station- Pendra, District- Gourela-Pendra-Marwahi,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- The Station House Officer, Police Station-
Pendra, District- Gourela-Pendra-Marwahi, Chhattisgarh

---- Respondent

For Applicant	: Mr. Anil S.Pandey, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/09/2020

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. 428/2018, registered at Police Station Pendra, Distt. Gourela-Pendra-Marwahi (C.G.) for the offence punishable under Sections 420, 468 & 471/34 of the IPC.
3. In this case there are total seven accused persons. According to the case of prosecution, the incident is of the year 2018. Chief Executive Officer, Janpad Panchayat, Pendra Road lodged a report in concerned Police Station alleging therein that the applicant and other co-accused persons being '*Awas Mitra*' linked the account number by the fake name including dead person for getting the benefits under 'Pradhan Mantri Gramin Awas Yojna' and on the basis of forged and fabricated documents, the amount was sanctioned and deposited in the bank account of different beneficiaries, thereby the applicant and other co-accused persons have committed crime of cheating and forgery. On the basis of said background, offence has been registered.

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 the applicant being 'Awas Mitra' of concerned Gram Panchayat, does not have any access or any involvement in the financial work of the concerned department or in bank, not a single penny has been transferred in the personal account of the applicant. Beneficiaries himself submitted account number of one Surjeet Singh Thakur wherein the applicant has never given his consent. Apart from this, Surjeet Singh Thakur is also not a relative of the present applicant, therefore, if any amount has been deposited in the bank account of Surjeet Singh Thakur, the applicant is not responsible for the same. Thus, no case can be made out against the applicant. Hence, it is prayed that he may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties, after gone through the contents of FIR and other material available on record it appears that main allegations have been levelled against other co-accused persons. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant 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