

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1351 of 2020

1. Uttam Singh Thakur S/o Late Shankar Singh Thakur
Aged About 45 Years Secretary Village Panchayat
Kodripal Thana Tongpal District Sukma Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Thana Tongpal District
Sukma Chhattisgarh.

---- Respondent

For Applicant

Mr. Vikas A. Shrivastava, Advocate

For Respondent /State Mr. Sameer Oraon, Govt. Adv.

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

19/11/2020

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.48/2019, registered at Police Station Tongpal, District Sukma, for offence punishable under Sections 467, 409 & 420 read with Section 34 of the Indian Penal Code.
2. While working as Secretary/Rojgar Sahayak at Janpad Panchayat, Chhindgarh the applicant has committed misappropriation, cheating and concoction of documents by not making construction of RCC roof houses for 18 beneficiaries.

3. Learned counsel appearing for the applicant would submit that the applicant is suffering from kidney disease, which requires dialysis. The applicant is aged about 45 years. Learned counsel would draw attention of the Court to the document Annexure – A/2, which is a communication by the Chief Executive Officer, Zila Panchayat, Sukma, to the Chief Executive Officer, Janpad Panchayat, Chhindgarh for withdrawing the FIR (First Information Report).
4. Learned counsel appearing for the State, *per contra*, would oppose the bail application.
5. Case diary contains statements of 18 beneficiaries whose houses were not constructed in accordance with the norms albeit the applicant has concocted and fabricated documents showing completion of the structure.
6. In so far as the letter written by the Chief Executive Officer, Zila Panchayat, Sukma, to the Chief Executive Officer, Janpad Panchayat, Chhindgarh is concerned, it is unfortunate that a responsible Officer holding office of the Chief Executive Officer, Zila Panchayat, Sukma, has written such communication for withdrawal of FIR knowing-fully well that once an FIR is lodged by a public servant alleging misappropriation and corruption, being a cognizable offence, the same cannot be withdrawn. There is no procedure in the Code of Criminal Procedure (Cr.P.C.) for withdrawal of IFR.
7. Let the Chief Secretary to the Government of Chhattisgarh consider for initiating appropriate action

against the Chief Executive Officer, Zila Panchayat, Sukma, who has written the communication dated 1-7-2020 (Annexure – A/2).

8. Registrar General of this Court is directed to send copy of the entire bail application along with all the documents to the Chief Secretary to the Government of Chhattisgarh for doing the needful.
9. Considering the gravity of the offence, the present does not appear to be a fit case for exercise of power under Section 438 of the Cr.P.C.
10. Accordingly, the bail application is rejected.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri