

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1323 of 2020**

- Uttam Kumar Anchale, son of Shri Butta Singh Anchale, aged about 40 years, Caste Gond, R/o Badetevda, PS Amabeda, Tehsil Antagarh, District North Baster, Kanker (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Aamabeda, District- North Bastar, Kanker Chhattisgarh

---- Non-Applicant

For Applicant : Shri Sandeep Shrivastava, Advocate.
For Non-Applicant : Shri Ravish Verma, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****17/12/2020 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.04/2013, registered at Police Station Aamabeda District North Bastar, Kanker for offence punishable under Sections 420, 467, 468, 471 and 409/34 of the IPC.
2. At the relevant time in the year 2008-09 and 2010-11, the applicant was working as Rojgar Sahayak of Gram Panchayat Badetevda, Block Antagarh. He and co-accused Dhassuram Mandavi have allegedly misappropriated certain Panchayat fund. It is alleged that in 2010-11, certain amount for construction of road has been embezzled. Similarly in the year 2008-09, some amount for construction of Gothan has been misappropriated. In the order passed by the Lokpal, MGNREGA, the applicant was directed to deposit a sum of Rs.1,62,894.25/-, failing which FIR would be lodged against him.
3. Learned counsel for the applicant would submit that the concerned police never made any effort to arrest the applicant although he was residing in the village throughout for the last 8-9 years period. He would submit that co-

accused Dhassuram Mandavi has already been allowed anticipatory bail in MCRCA No.632/2020 (Annexure-A/2) and further that the amount has already been deposited, yet no receipt was issued and the FIR has been lodged.

4. Learned State Counsel would not dispute the order passed by this Court in the matter of Dhassuram Mandavi, referred to above. However, he would submit that considering the seriousness of the offence, the applicant is not entitled to be released on anticipatory bail.
5. Co-accused Dhassuram Mandavi was working as Panchayat Secretary whereas this applicant was working as Rojgar Sahayak. The allegation of liability of managing the Panchayat fund is more or less similar for both the accused. The subject work was performed in the year 2008-09 and 2010-11 i.e. for about a decade back.
6. Thus, considering the release of co-accused on anticipatory bail and delay in investigation coupled with failure of the Investigating Officer to arrest the applicant, I am inclined to admit the applicant to anticipatory bail.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) he shall not influence the witnesses during trial.
 - (ii) he shall make himself available for interrogation by a police officer as and when required;
 - (iii) 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 facts to the Court or to any police officer.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve