

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCa No. 1463 of 2020**

- Shrimati Deepika Baghel, wife of Pokhraj Baghel, aged about 32 years, R/o DNK Colony, Kondagaon, District Kondagaon (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kondagaon, District Kondagaon (CG)

---- Non-Applicant

For Applicant : Shri Shobhit Koshta Advocate.
For Non-Applicant : Shri VR Tiwari, Additional AG.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****16/12/2020 :**

1. The applicant has preferred this application for grant of anticipatory bail as she apprehends her arrest in connection with Crime No.34/2019, registered at Police Station Kondagaon District Kondagaon for offence punishable under Section 409 and 420 of the IPC.
2. During the period 2017-2019 the applicant's husband Pokhraj Bahgel misappropriated the government funds to the tune of Rs.10,95,431/- while working as Programme Officer, MGNREGA in Janpad Panchayat Kondagaon. The applicant is the wife of accused Pokhraj Baghel. It is said that the embezzled amount was deposited from time to time in her bank account.
3. The bail rejection order passed by the Sessions Court reveals that although the applicant has not embezzled the amount, as she is not a Government servant, the amount being deposited in her account, her

culpability cannot be ruled out. At the same time, the Sessions Court has also mentioned that the applicant has moved before the department proposing to return the entire embezzled amount.

4. Learned State Counsel would oppose the prayer for grant of anticipatory bail.
5. Considering that the applicant is the house wife, aged about 32 years, being the wife of the accused Government servant against whom allegation of misappropriation has been levelled and her custodial interrogation does not seem to be necessary, I am inclined to extend the benefit of anticipatory bail to the applicant.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, she shall be released on anticipatory bail on her 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) she shall not influence the witnesses during trial.
 - (ii) she shall make herself available for interrogation by a police officer as and when required;
 - (iii) she 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