

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1520 of 2019

- Smt. Nand Kumari Sahu W/o Shri Bihari Ram Sahu, Aged About 58 Years Sarpanch Gram Panchayat Dahura Bhata R/o Village Ravanguda, Police Station Arjuni, Tehsil and District Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S. H. O., Police Station Arjuni, District Dhamtari, Chhattisgarh.

---- Respondent

MCRCA No. 48 of 2020

- Deepak Sahu S/o Shri Atmaram Sahu Aged About 32 Years R/o Village Shankar Dah, Tehsil Dhamtri, Police Station Arjuni, District Dhamtri, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Arjuni, District Dhamtri Chhattisgarh.

---- Respondent

MCRCA No. 1523 of 2019

- Bhavani Pratap Jangre S/o Shri Mohan Lal Jangre Aged About 34 Years Village Telin Satti, Tahsil And District Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O, Police Station Arjuni, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicants	: Shri B.P. Singh, Advocate.
For Respondent/State	: Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/03/2020

1. As all the above cases arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants are apprehending their arrest in connection with Crime No. 179/2019 registered at Police Station Arjuni, District – Dhamtari, (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 409, 120-B r/w 34 of I.P.C.
3. Facts of the case in brief is that, at the relevant time applicant Smt. Nand Kumari Sahu (MCRCA No. 1520/2019) and applicant Bhavani Pratap Jangre (MCRCA No. 1523/2019) were posted as Sarpanch and Secretary of Village Panchayat Dhaura-Bhata respectively. Applicant Deepak Sahu (MCRCA No. 48/2020) was the Contractor at that time. According to the case of the prosecution, in the year 2016-2017, Rs. 27,72,000/- was sanctioned to the Village Panchayat Dhaura-Bhata under the scheme of Swachh Bharat Mission and MGNREGA. It is alleged that the applicants had embezzled sum of Rs. 6,72,732/- during the said period. One Loknath Devangan had filed one written complaint in this regard. On the basis of the said, offence has been registered against present applicants and other co-accused persons.
4. Learned Counsel appearing for the applicants submit that the applicants are innocent and have been falsely implicated in the present case. He further submits that case of the prosecution is based on the inquiry reports. Virtually, on the same date and time two inquiry were conducted by inquiry committee wherein the inquiry reports show that amount of embezzlement was completely different because in one inquiry report, amount embezzled was Rs. 6,72,322/- and in another inquiry report, amount embezzled was Rs. 4,15,735/-, thus, entire prosecution case seems to be doubtful. It is further submitted that in the year 2016-2017, all the works were completed and in this regard, ODF Certificate was also given by the Collector to Village Panchayat Dhaura-Bhata. All the beneficiaries were also made

payment and all the beneficiaries have also executed an affidavit wherein they have admitted the fact that all works assigned to them have been completed, dues were paid and they have no any grievance in this regard. Looking to the above, it is prayed that applicants may be granted benefit of anticipatory bail.

5. Learned Counsel appearing for the State oppose the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. 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 further considering the fact that two inquiry reports were prepared by the inquiry committee and in both reports, embezzled amount is different, also, villagers have executed an affidavit wherein they have admitted the fact that all works were completed and no dues is pending, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
8. Accordingly, the anticipatory bail applications are allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them 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. They shall also abide by all the following terms and conditions :
 - (i) They 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 them from disclosing such fact to the Court,
 - (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and

- (iii) They shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash