

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1882 of 2019

Ved Prakash Gupta S/o Late Ram Lagan Gupta Aged About 51 Years
Occupation Service Chief Executive Officer, Surajpur, Tahsil Surajpur, District
Surajpur, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh through District Magistrate, District Balrampur-Ramanujganj, Chhattisgarh.
2. Narad S/o Feku Ram Aged About 48 Years R/o Village Chakdehi, Out Post Balangi, Police Station Raghunath Nagar, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

WITH

MCRCA No. 211 of 2020

Ashwini Tiwari S/o Late Shri Jeevan Prasad Tiwari Aged About 45 Years R/o Fundurdihari, Post Fundurdihari, P.S. Gandhi Nagar, Ambikapur, District Ambikapur, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh through Station House Officer, Police Station - Raghunath Nagar, Tahsil Wadrafnagar, District Balrampur-Ramanujganj, Chhattisgarh.
2. Narad S/o Shri Fekuram Aged About 48 Years Caste - Harijan, R/o Village - Chakdehi, Police Chowki - Balangi, Police Station - Raghunath Nagar, Tahsil - Wadrafnagar, District - Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant (In MCRCA No.1882/2019) : Mr. Shashank Thakur, Advocate.

For Applicant (In MCRCA No.211/2020) : Mr. Roop Naik, Advocate

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

17/03/2020

1. Since, both the cases arise out of same complaint case number, therefore, they are being decided by this common order.

2. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with Complaint Case No.175/2019 pending before the learned Judicial Magistrate First Class, Wadrafnagar, District: Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 420, 467, 468, 409, 471, 120-B/34 of IPC.
3. Facts of the case are that a complaint has been preferred by the complainant i.e. Respondent No.2 before the JMFC Wadrafnagar to the effect that huge amount was embezzled by the Sarpanch and Secretary of Village from the amount sanctioned for construction of toilet under the ODF Scheme. According to the said complaint, the present Applicants in both the applications were also involved in the crime-in-question. On the basis of said background, offence has been registered.
4. Learned counsel appearing on behalf of the applicant (in MCRCA No.1882/2019) submits that the alleged offence occurred in the year 2015-16 and at that time the present Applicant (in MCRCA No.1882/2019) was not posted as CEO during the period in which the alleged offence was committed nor he has sanctioned any amount and made any payment with respect to the same. He submits that virtually as directed by CEO Jila Panchayat, the present Applicant constituted a three member team and obtained an enquiry report from the committee. In the inquiry report, it was found that Sarpanch and Secretary of the concerned Gram Panchayat have sanctioned the amount under the said Scheme therefore, no case is made out against the Applicant (in MCRCA No.1882/2019). Learned counsel appearing on behalf of the Applicant (in MCRCA No.211/2020) submits that there is also no material on behalf of the Applicant on the basis of which it can be said that, he was involved in the said crime-in-question. He also submits that in the complaint no directed allegations have been made against the Applicant in (MCRCA No.211/2020). Thus, it has been jointly prayed by the counsel appearing on behalf of each of the Applicants in their respective anticipatory bail applications that the Applicants may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.

7. Considering the facts and circumstances of the case, arguments advanced by counsel for the parties and particularly considering that in the inquiry report it was found that the Sarpanch and Secretary were the persons who embezzled the said amount, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
8. Accordingly, the anticipatory bail application of Applicant in MCRCA No.1882/2019 and Applicant in MCRCA No.211/2020 is allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one 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 the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants 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/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicants 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