

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1990 of 2019

1. Tilaso Bai Markam, W/o Surendra Singh, Aged About 30 Years R/o Village Torfa, Police Station Raghunathnagar, Tahsil Wadrafnagar, District Balrampur-Ramanujganj Chhattisgarh (Sarpanch, Gram Panchayat Torfa).
2. Rajaram Verma S/o Ramadhar, Aged About 34 Years R/o Village Gudru, Post Gudru, Police Station Raghunathnagar, Tahsil Wadrafnagar, District Balrampur-Ramanujganj Chhattisgarh (Secretary, Gram Panchayat Torfa).
3. Ashok Singh S/o Ramsumar Aged About 26 Years R/o Village Gudru, Post Gudru, Police Station Raghunathnagar, Tahsil Wadrafnagar, District Balrampur-Ramanujganj Chhattisgarh (Rajgar Sahayak, Gram Panchayat Torfa).
4. Devchand S/o Ramprasad Aged About 40 Years R/o Village Chakdehi, Post Gudru, Police Station Raghunathnagar, Tahsil Wadrafnagar, District Balrampur-Ramanujganj Chhattisgarh (Mat, Gram Panchayat Torfa).

---- Applicants

Versus

1. State Of Chhattisgarh, Through Police Chowki, Police Station Raghunathnagar, District Balrampur-Ramanujganj, Chhattisgarh.
2. Narad S/o Fekuram Aged About 48 Years R/o Village Chakdehi, Police Chowki Balang, Police Station Raghunathnagar, Tahsil Wadrafnagar, District Balrampur-Ramanujganj Chhattisgarh.

---- Respondents

For Applicants	: Shri Manoj Paranjpe, Advocate.
For Respondent/State	: Smt. Seema Dixit, P.L.
For Objector	: Shri Shakti Raj Sinha, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

04/03/2020

1. The Applicants are apprehending their arrest in connection with Complaint Case No. 75/2019 pending before Judicial Magistrate First Class, Wadrafnagar, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 420, 467, 468, 409, 471, 120-B r/w Section 34 of the Indian Penal Code.
2. As per the prosecution story, at the relevant time applicant No. 1 Tilaso Bai Markam was the Sarpanch; applicant No. 2 was the Secretary; applicant No. 3 was the Rojgar Sahayak and applicant No. 4 was the Mat of Gram Panchayat, Torfa. Respondent No. 2/Complainant namely Narad lodged a complaint case under Section 200 of the Code of Criminal Procedure before J.M.F.C., Wadrafnagar, District Balrampur-Ramanujganj (C.G.) against present applicants and other persons *inter alia*, on the allegations that during the tenure of applicant No. 1 as a Sarpanch, large scale of irregularities were committed. It is alleged that payments of wages were made to one Dalsamman for the wages towards Dabri (small water tank) contruction during the period from 14.07.2015 to 19.07.2015. The amount of Rs. 1908 was misappropriated. It is further alleged that in the name of Rajaram, amount of Rs. 1,09,310/- was withdrawn but the said amount was not paid to the labours. Likewise, some amount was again withdrawn in the name of Ramjiyavan and the same has been misappropriated. An amount of Rs. 3,498/- was withdrawn in the name of dead persons namely Ramprasad and Sitaram. Amount of Rs. 13,356 /- was also withdrawn in the name of one Rampyare for construction of Dabri but no such Dabri was constructed on spot. It is also alleged that in this regard a complaint was made by complainant before Collector and despite of enquiry report, no action was taken. On the basis of the said, complainant has filed the complaint. In this regard J.M.F.C. called a report from the concerned police chowki and after receiving of report from the concerned police chowki, Judicial Magistrate took cognizance of the alleged offence.

3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that incident occurred in the year 2015 and complaint is filed in the year 2019. It is further submitted that without there being any material, J.M.F.C. has taken cognizance of the said offence. *Prima facie*, no case is made out against applicants. All the applicants are reputed person of the village. Also, the matter relates to a private complaint. Looking to the above, it is prayed that present applicants may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State and Objector oppose the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. 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 particularly considering the fact that incident occurred in the year 2015 and complaint has been lodged after a gap of four years, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
7. Accordingly, the bail application is allowed.
8. 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 him 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 them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge