

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.2138 of 2019

- Umashankar Singh, S/o Late Shri Mahipat Singh, Aged About 53 Years, Presently Posted as Sub Engineer, Nagar Panchayat Pandariya, District Kabirdham, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kanker, District- North Baster (Kanker), Chhattisgarh

---- Respondent

For Applicant
For Respondent

Shri Harsh Wardhan, Advocate
Shri Ravish Verma, GA

Proceeding through Video Conferencing

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board

10/08/2020

1. The applicant has preferred this bail application under Section 438 of CrPC, as he is apprehending his arrest in connection with Crime No.395/2019, registered at Police Station Kanker, District North Bastar, Kanker, for the offence punishable under Sections 420, 465, 468 & 120-B read with Section 34 of IPC.
2. The Municipal Council, Kanker issued advertisement for allotment of shops in the year 2004. One Ramniwas Agrawal and one Smt. Rishi Kumari moved separate application for allotment of shops. Smt. Rishi Kumari had applied for allotment of shop under Handicapped Category. When Rishi Kumari failed to submit proof of her being handicapped, both shops bearing No.A-19 and C-49

were allotted to Ramniwas Agrawal. The allotment was made prior to the applicant's holding charge as CMO, however, some notesheet was approved by him while he was holding charge of CMO for two days. Subsequently, Rishi Kumari preferred Civil Suit No.5-A/2011 before the Additional District Judge (FTC), Noh Bastar, Kanker, which was partly allowed on 21.12.2015 setting aside the allotment of shops in favour of Ramniwas Agrawal and at the same time directing the Municipal Council to refund the premium amount of Rs.3,26,500/- along with interest @ 6% per annum as also to direct refund of Rs.73,500/- along with interest @ 6% per annum from Ramniwas Agrawal.

3. The present FIR has been registered on 01.11.2019 on the complaint made by one Saurabh Tiwari, the then CMO, Municipal Council, Kanker.
4. Learned State counsel would oppose the prayer for grant of bail.
5. Considering that the applicant has already been allowed interim protection; incident is of the year 2004 and the applicant's holding charge of Office of CMO is only for 2 days; he is a government servant and his arrest shall adversely affect his services, this Court is inclined to extend benefit of anticipatory bail to the applicant.
6. Accordingly, the bail 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 make himself available for interrogation by a police officer as and when required.

(ii) 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.

(iii) he shall not influence the witnesses during pendency of the trial.

Sd/-
Prashant Kumar Mishra
Judge

Nirala