

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 71 of 2021**

- Uttar Kumar Pradhan S/o Shri Jagdish Pradhan Aged About 48 Years By Caste Kolta, Occupation- Service Posted As Secretary Gram Panchayat Arangi, Janpad Panchayat Pithoura, R/o Village Pathrala, Thana And Tahsil- Basna, Distt.- Mahasamund, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Station House Officer, Police Station- Basna, Distt.- Mahasamund, Chhattisgarh

---- Respondent

MCRC No. 646 of 2021

- Asim Sona S/o Shri Joseph Sona, Aged About 55 Years R/o Village Jagdishpur, Thana- Basna, Tahsil - Pithoura, District Mahasamund (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Basna District - Mahasamund (Chhattisgarh)

---- Respondent

For Applicants :- Mr. Sunil Sahu, Advocate
For Respondent-State :- Mr. Anmol Sharma, PL

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

05/03/2021

Since both the bail applications (anticipatory and regular bail) are arising out of same crime number, they are being

heard and decided by this common order.

MCRCA No. 71 of 2021

The applicant - Uttar Kumar Pradhan has preferred this bail application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.567/2020 registered at Police Station Basna, Distt. Mahasamund C.G. for the offence punishable under Section 409/34 of the I.P.C.

MCRC No.646/2021

This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant – Asim Sona, who has been arrested in connection with Crime No.567/2020, registered at Police Station Basna, Distt. Mahasamund C.G., for the offence punishable under Section 409/34 of the I.P.C.

1. At the relevant time applicant – Asim Sona (in MCRC No.646/2021) was a Sarpanch whereas applicant Uttar Kumar Pradhan (in MCRCA No.71/2021) was a Secretary of gram panchayat, Jagdishpur. In the said period, 210 toilets were sanctioned for construction within gram panchayat area out of which 158 toilets were constructed. For each toilet a sum of ₹12,000/- was allotted for the beneficiary to be given as grant. However, applicants did not pay any amount to any of the beneficiaries thus embezzled a sum of ₹ 19 Lacs.
2. Considering that applicant Asim Sona is in jail since 7.12.2020 and the offence is triable by JMFC, I am inclined to release him on bail.

3. Accordingly, MCRC No.646/2021 is **allowed** and the applicant **Asim Sona** is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
4. So far as applicant **Uttar Kumar Pradhan** is concerned, considering his involvement and the position he was holding in the gram panchayat, the present is not a fit case for grant of anticipatory bail.
5. Accordingly, the anticipatory bail application (MCRC No.71/2021) is **rejected**. However, liberty is reserved in favor of the applicant **Uttar Kumar Pradhan** to surrender and apply for regular bail. In such an event, the concerned Court shall consider and decide the bail application on the same day.

SD/-
(**Prashant Kumar Mishra**)
Judge

Ayushi