

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 147 of 2021**

Deman Prasad Sinha S/o Tilakram Sinha, Aged About 45 Years,
R/o- Village and Post- Soridkhurd, Police Station and Tahsil-
Chhura, District- Gariyaband, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh Through- Station House Officer, Police
Station- Chhura, District- Gariyaband, Chhattisgarh

---- Non-applicant

For Applicant : Shri Ratnesh Kumar Agrawal, Advocate
For Non-applicant/State : Shri Rakesh Sahu, Dy. Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****25.03.2021**

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehended his arrest in connection with Crime No.09 of 2021, registered at Police Station Chhura, District Gariyaband (C.G.), for offence punishable under Section 384 of Indian Penal Code.
2. Case of the prosecution in brief, is that, Sarpanch of Village Panchayat coming within the territorial jurisdiction of Janpad Panchayat, Chhura, has lodged a joint written complaint before the Superintendent of Police making allegation against the present applicant that under the threat and fear and stating himself to be a Press Reporter, demanded money. On the basis of written complaint made by Sarpanch of different Village Panchayats, inquiry was conducted and after recording the

statement under Section 161 of Cr.P.C. of Smt. Shanta Bai, Smt. Hemlata Dhruv and Radheshyam, alleged offence under Section 384 of the IPC is registered against the present applicant.

3. Shri Ratnesh Kumar Agrawal, learned counsel for the applicant submits that applicant being elected member of Janpad Panchayat has made complaint to different authorities like Collector, concerned Minister and also Chief Executive Officer, Zila Panchayat with regard to misuse of funds of 14th Finance. Applicant has also moved an application under the Right to Information Act, 2005 for getting the details of funds allotted to the Village Panchayats and accounts with regard to funds expended by said Village Panchayat, but the same has not been supplied to the applicant. In an appeal, First Appellate Authority has directed the Information Officer of Village Panchayat to supply the necessary information as sought for by the applicant. He further submits that Sarpanch of the different Village Panchayats only to make pressure upon the applicant, not to proceed further on complaint, lodged the complaint against applicant before the Superintendent of Police. It is contended that absolutely false allegations have been levelled against the present applicant. Applicant in support of his submissions, filed Annexure A/3 dated 16.08.2019 i.e. letter written by Special Assistant of office of Panchayat and Rural Development Minister, letter dated 21.08.2019 written by Joint Director to Collector, letter dated 17.07.2019 written by Chief Executive Officer Janpad Panchayat Chhura to Sub Divisional Officer (Revenue) Gariyaband, District

Gariyaband and application under the Right to Information Act, 2005 dated 15.09.2020 and 13.10.2020. It is contended that letter written by the Administrative Officer mentions the name of present applicant that action is required to be taken on the complaint made by the applicant. He also submits that there is no specification mentioned in the complaint against applicant.

4. Per contra, Shri Rakesh Sahu, learned Deputy Government Advocate for the State vehemently opposes the bail application and submits that based on the written complaint received by the Superintendent of Police, inquiry was conducted. Statement of Smt. Shanta Bai, Sarpanch Nawapara, Smt. Hemlata Dhruv Sarpanch of Dadargaon and Radheshyam, husband of Smt. Shanta Bai have been recorded wherein they have stated that in pursuance to demand, they have paid Rs.20,000/- and Rs.30,000/- respectively. He further submits that there is ample material showing applicant's involvement in alleged offence, hence, he is not entitled for benefit of anticipatory bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations levelled, that the applicant himself has moved application to the Panchayat and Rural Development against adjustment of Rs.3-4 Crore of the Finance Planing by 74 Gram Panchayats, and proceedings/action taken on the complaint of applicant on 19.08.2019 (Annexure A/3), further the fact that complaint against applicant has been lodged only on 02.07.2020

before the Superintendent of Police, I am inclined to release the applicant on anticipatory bail.

7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by 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.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge