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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No.249 of 2021**

- Lokmani Tripathi, S/o Shri Munishwar Prasad Tripathi, aged about 52 years, R/o House No.158, Ward No.2, Lormi PS & Tahsil Lormi, District Mungeli, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, through Police Out Post Khudiya, Police Station Lormi, District Mungeli (CG).

....Non-applicant

For Applicant	:	Mr. R.K. Singh, Advocate
For Non-applicant	:	Mr. Rakesh Sahu, Dy. Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****01/04/2021**

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.226/20 registered at Police Outpost Khudiya, Police Station Lormi, District Mungeli for commission of offence punishable under Sections 420, 409, 467, 468, 471/34 of the Indian Penal Code.
2. The case of prosecution, in brief, is that complainant Sajid Khan lodged a complaint alleging that applicant, whose substantive post is 'Forest Guard' and working as Ex-officio Secretary of Forest Management Committee, Bijara Kachhar, along with co-accused Santram Baiga, Chairman of Forest Management Committee, has embezzled the government fund by producing forged bills. On the basis of said allegations, aforementioned offence has been registered against the applicant and co-accused Santram Baiga.
3. Mr. Rajkamal Singh, learned counsel for the applicant submits that earlier also complainant Sajid Khan, who is a Journalist/ RTI Activist, made a complaint with the department against the

applicant making similar allegation in respect of same work for which amount has been withdrawn for construction work but no work has been done. On receipt of said complaint, the Deputy Divisional Forest Officer, Lormi conducted an enquiry and submitted his report dated 22.7.2015 to the Divisional Forest Officer, Mungeli mentioning that the complaint of the complainant is baseless. In the said report it has been mentioned that during inspection various construction works valued at Rs.26.81 Lakhs have been found to be carried out by the Forest Management Committee, Bijarakachhar, which are equal to the expenditure shown in the records of the Committee. After the said report of the DDFO, the complainant has lodged present complaint with the police mentioning that the bills submitted pursuant to various construction works carried out by the petitioner are forged. Learned counsel submits that the constructions works for which amount has been withdrawn have been duly executed and the same was valued by an Engineer and found the work to be more than the amount withdrawn. He further submits that allegations levelled against present applicant are similar to that of co-accused Santram Baiga who has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 16.12.2020 passed in M.Cr.C. (A) No.990/2020. Hence, the applicant may be granted anticipatory bail.

4. Mr. Rakesh Sahu, learned State Counsel opposes the bail application and submits that there is specific allegation with regard to submission of forged bills. A complaint was also made before the Divisional Forest Officer, Mungeli. In preliminary enquiry he found some material in the complaint and directed for initiation of disciplinary enquiry against present applicant. Hence, the applicant is not entitled for grant of anticipatory bail.
5. I have heard learned counsel for the parties.

6. Document Annexure A-2 is the letter written by the Deputy Divisional Forest Officer, Lormi to the Divisional Forest Officer, Mungeli mentioning that valuation of various construction works got done by the applicant in the Forest Management Committee is equivalent to the expenditure shown by present applicant. This document Annexure A-2 is written by a responsible officer of the Department after enquiring into the complaint. Work was valued by an Engineer. Learned State Counsel has not disputed the submission of learned counsel for applicant that allegations against the applicant and other co-accused are the same.
7. Taking into consideration the nature of allegations, the fact that earlier also the complaint made by the complainant with regard to misappropriation of government fund by the applicant for same work has been found to be incorrect on enquiry by the Deputy Divisional Forest Officer, Lormi; co-accused with almost identical allegations has already been granted anticipatory bail by a co-ordinate Bench of this Court, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicant.
8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
 - (ii) that the applicant 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-