

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1234 of 2020

Ganesh Kumar Yadav S/o Late Ashok Kumar Yadav Aged About 32
Years R/o Himalayan Heights, Phase-1, Block-4, M.I.G. 83, Dumartarai,
Raipur Tahsil And District Raipur, Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Magarlod, District Dhamtari, Chhattisgarh ---- **Respondent**

For Applicant	:	Mr. Shakti Raj Sinha, Advocate.
For Respondent/State	:	Mr. Pawan Kesharwani, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/02/2021

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.149/2020 registered at police station – Magarlod, District Dhamtari (C.G.) for alleged commission of offence under Section 409, 420/34 of IPC.
2. Prosecution case is that the applicant and other co-accused involved in misappropriation of public fund of more than Rs.25,29,000/-.
3. Learned counsel for the applicant would submit that the applicant was only working as Incharge of National Rural Livelihood Mission to oversee the disbursement of fund and procurement of various articles for being supplied to Self Help Groups. The Cluster Incharge issued cheques to the vendors and the vendors did not supply the entire material. Therefore, the applicant cannot be held criminally liable because at the most it would be a case of negligence in performance of duty that the applicant failed to oversee the functioning of the National Rural Livelihood Mission in his area. He neither issued cheque nor cheque was issued in his name. There is no material to show that any amount under the cheque issued was misappropriated by the present

applicant. Therefore, the applicant may be protected as he is a young person.

4. On the other hand, learned counsel for the State opposes the prayer and submits that material which has been so far collected during investigation is that the applicant was Incharge of National Rural Livelihood Mission. The materials were not supplied and without supply of material, Rs.25,29,000/- were disbursed not only by cheque but also by cash and as against these payment, only articles of Rs.3,71,700/- alone were supplied. He would submit that there material on record collected so far during investigation that the applicant also collected cash amount from clusters.

5. Taking into consideration the nature of accusation against the present applicant and that there is allegation that the applicant was Incharge and payments were made to vendor without verification of receipt of goods under Livelihood Mission and that vendor, co-accused is said to have been introduced by the applicant only, present is not a fit case for grant of anticipatory bail to the applicant. The application is therefore rejected.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Rekha