

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.(A). No. 997 of 2021

Granth Ram Sahu S/o Shri R.S. Sahu, Aged About 42 Years, R/o Village Tanod, Thana -Sheorinarayan, Tahsil -Pamgarh, District -Janjgir -Champa, Chhattisgarh. (Age And Address Wrongly Mentioned In Rejection Order Dated 07-08-2021).

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station -Pachpedi, District -Bilaspur, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate.
For Respondent/State	: Mr. BP. Banjare, Dy GA.

(Proceedings through video conferencing)
Hon'ble Shri Parth Prateem Sahu, J
Order on Board

03/09/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.25/2021, registered at Police Station -Pachpedi, Bilaspur, (C.G.), for commission of offence punishable under Sections 420, 120-B/34 of the Indian Penal Code.
2. Case of the prosecution is that Ittwari Ram Khunte, Secretary of Village Panchayat, Kokdi when went to Axis Bank, branch Jairam Nagar for updating pass book of Village Panchayat at that time, he came to know that amount of Rs.6,95,000/- has been illegally withdrawn from bank account of Village Panchayat. Upon complaint made by the Secretary, preliminarily inquiry was conducted by Deputy Director, Jila Panchayat, Bilaspur and found that Sarpanch along-with other co-accused persons by misusing digital signature of Secretary of village panchayat, have illegally withdrawn amount of Rs.7,29,500/- by transferring the amount from account of village Panchayat to account of M/s. Gayatri Trader,

Champa of which applicant is a proprietor. Based upon preliminarily enquiry, FIR was registered against applicant, officials of panchayat Department, Sarpanch of Village Panchayat and Ram Narayan Suryavanshi (Ex. Secretary of village panchayat -Bhardadih).

3. Learned counsel for the applicant submits that applicant is engaged in business of materials supplier. In the month of November, 2019, he has supplied several articles as well as materials for civil construction work on different dates on credit to Village Panchayat. Amount deposited in his account through Online from account of village panchayat is towards payment of bills credited in account of village panchyat, kokdi. Applicant has not committed any offence as alleged against him. Report submitted by Investigation Officer that no civil construction work has been done in village panchayat, Kokdi is not correct as there are other five dependant villages of village panchayat Kokdi, where Panchyat has done civil construction work under the Chief Minister Gramin Vikas Yozna and constructed CC road for which, applicant has filed documents alongwith covering memo. He further submits that main allegation is with regard to deleting of data from computer of Janpad Panchayat after transaction of transfer of amount of Rs.7,29,500/- for which only elected members or officials of Janpad Panchayat can be held liable and not applicant. Applicant is having business of about Rs.41,65,000/- in a financial year ie of 2019-20, which is evident from documents submitted by applicant. Applicant has also filed some receipts of the supply of material. Looking to early turnover of applicant, transfer of money of Rs.7,29,500/- cannot be said to be suspicious transaction. Hence, applicant may be enlarged on anticipatory bail.

4. Learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that applicant in connivance of other accused persons have committed the offences as alleged against him. There is involvement of applicant as he has permitted the amount illegally withdrawn to be transferred and deposited in his account and thereafter, handed over cash amount to co-accused persons. After registration of FIR applicant himself has written a letter to the concerned Police Station mentioning therein that there was outstanding amount of Rs.2,98,000/- against Panchayat in his account books but on transfer of Rs.7,29,500/-, balance amount was returned to the Sarpanch. He further submits that commission of offence came to know to Secretary only when he visited the Bank for updating pass book of village panchayat that after forging/misusing digital signature amount was transferred. Complainant has stated that as per his knowledge there was no civil construction work for making payment to materials supplier. Similarly the fact of no construction work done by Sarpanch or Village Panchayat has also come in enquiry conducted by Deputy Director of Jila Panchayat, Bilaspur. The stand taken by the counsel for applicant that entire amount of Rs.7,29,500/- is towards credit supply of material is contradictory to the reply given by applicant to the Police. Looking to the nature of crime, further investigation and interrogation is required, hence, applicant is not entitled for grant of anticipatory bail.
5. At this stage, learned counsel for the applicant submits that applicant has been told by the Police that if he gives in writing that excess amount which has been deposited in his account has been refunded to village panchayat his name can be deleted. On that basis after registration of FIR, applicant has given written letter to concerned police Station on

25.07.2021.

6. Heard learned counsel for the parties.
7. From the submissions made by learned counsel for the applicant that civil construction of CC road in dependant village of village panchayat under the scheme of Government is executed is concerned, documents placed on record by the applicant would show that the sanctioned amount for the work is Rs.26,000/- for each village. Total amount sanctioned is only Rs.1,56,000/- for six villages. Some of the bill is also placed on record, on some of which there are overwriting in dates.
8. Considering the entire facts and circumstances of the case, nature of allegation, material available on record, manner in which offence alleged to have been committed by applicant alongwith other co-accused, enquiry report submitted by Deputy Director, Jila Panchayat, Bilaspur that no civil construction work was found for which alleged payment has been stated to be made in some of the bills which is placed on record there is overwriting in date, letter written by applicant himself before the Police, submission made by learned State Counsel that for completion of investigation applicant is required to be interrogated, I do not find it to be fit case to enlarge the applicant on anticipatory bail.
9. Accordingly, application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**CRMP No. 1086 of 2021**

- Shri Granth Ram Sahu S/o Shri R.S. Sahu aged about 42 Years R/o Village Tanod, Thana Sheorinarayan, Tahsil Pamgarh, District Janjgir Champa Chhattisgarh.

-----Petitioner**VERSUS**

- State of Chhattisgarh Through the Station House Officer, Police Station-Pachpedi, District Bilaspur, Chhattisgarh

-----Respondent

For Petitioner	: Mr. Vedant Bhelonde, Advocate
For Respondent	: Mr. Gurudev I Sharan, Govt. Adv.

SB: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****21/10/2021**

1. This petition under Section 482 of CrPC is filed against impugned order dated 03.09.2021 passed in MCRC(A) No. 997/2021 mentioning that due to typographical error in the first paragraph of the impugned order it is mentioned as First Bail application under Section 439 of CrPC for grant of regular bail to applicant who has been arrested. Whereas, the application which was filed and considered was an application for grant of anticipatory bail.
2. Learned counsel for the petitioner submits that the error crept in the first paragraph of the impugned order be corrected appropriately.
3. Perusal of impugned order dated 03.09.2021 passed in MCrC(A) No. 997/2021 would show that in paragraph 1, due to typographical error, it is mentioned the application under Section 439 of CrPC and also that the applicant has been arrested in connection with Crime No. 25/2021.

4. Considering the records of the bail application attached along with this case, paragraph 1 of the impugned order is wrongly been mentioned which requires correction.
5. Accordingly, petition is allowed and paragraph 1 of the impugned order dated 03.09.2021 is hereby corrected and to be read as under:-

“This first bail application has been filed under Section 439 of CrPC for grant of anticipatory bail to the applicant who apprehends his arrest in connection with crime number 25/2021 registered at police station-Pachpedi, District Bilaspur, Chhattisgarh for offence under Section 420,120B/ 34 of IPC”.

6. The order passed in this petition shall also be made part of the record of MCrC(A) No. 997/2021.

Sd/-
(Parth Prateem Sahu)
Judge