

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1103 of 2021**

Ganesh Kumar Yadav S/o Late Ashok Kumar Yadav Aged
About 33 Years R/o Himalayan Heights, Phase-I, Block-4, M. I.
G. 83, Dumartarai, Raipur District Raipur (C.G.).

---- Applicant

Versus

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

---- Non-Applicant

For Applicant : Shri Aman Saxena, Adv.
For State/Non-Applicant : Shri Sameer Oraon, Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****29-10-2021**

1. The applicant has preferred this second application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 149/2020 registered at Police Station Magarlod, Distt. Dhamtari (CG) for the offence punishable under Sections 409, 420, 34 of the Indian Penal Code. His first application for anticipatory bail MCRCA No. 1234/2020 was dismissed vide order dated 18-2-2021 on merit, by the coordinate bench.

2. Brief facts of the case are that co-accused who is Director of Bihan Bazar, Kurud, Dhamtari and the applicant, who is a Young Professional, Janpad Panchayat, in-charge of National Rural Livelihood Mission (in brevity 'NRLM'), Magarlod, Dhamtari, in collusion, had taken about Rs. 25,29,000/- from self-help group clusters for supplying them machines, e-rikshaws for carrying out employment activities under NRLM, but they supplied articles of Rs. 3,71,700/- only and embezzled remaining amount. Hence, present FIR was lodged against the applicant and co-accused under Section 409, 420/34 of IPC in PS Magarlod, Distt. Dhamtari.

3. Counsel for the applicant submitted that first application for grant of anticipatory bail filed by the applicant was dismissed on 18-2-2021 by the coordinate bench, thereafter about 8 months have passed, but charge sheet has not been filed, whereas FIR was lodged on 11-8-2020, thus, applicant is under constant fear of arrest since about more than one year. He next submitted that the mother of the

applicant is suffering from cervical cancer and chemotherapy has started. Except applicant, no one is there in his family to look after her, because father of the applicant has passed away. He also submitted that the applicant has been falsely implicated in this case, therefore, looking to aforesaid change of circumstances, and also considering Covid situation, the applicant may be granted anticipatory bail.

4. On the contrary, learned State counsel opposing the application for grant of anticipatory bail submitted that the first application for anticipatory bail of the applicant was dismissed by the Court considering the fact that being in-charge of NRLM, the applicant and co-accused had taken huge money for supply of material from different vendors, but they supplied articles of only Rs. 3,71,700/-. As per case diary, the applicant and co-accused had collected the amount which shows that the applicant and co-accused have misappropriated more than Rs. 21 lacs of self help groups of village women, which they have collected to improve their livelihood.

5. I have heard counsel for both the parties, perused the case diary and material available on record.

6. Applicant's first application for anticipatory bail was dismissed by the coordinate bench considering the allegation that being in-charge of NRLM, they collected alleged amount and payments were made to vendors without verification of receipt of articles under NRLM and vendors are said to have been introduced by the applicant only. As per case diary, alleged amount misappropriation of which has been done, was of rural based self help groups of women, who had given the amount to the applicant/at the behest of him to the vendors. Thus, looking to the seriousness of the allegation, cheating and misappropriation with rural women self help group, I do not feel inclined to grant anticipatory bail to the applicant.

7. Consequently, this second application for grant of anticipatory bail is rejected.

Sd/-

(N.K. Chandravanshi)

JUDGE