

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1443 of 2020**

- Manish Tiwari S/o R. Tiwari Aged About 48 Years Caste Brhaman, Posted As Sub Engineer , Public Works Department (PWD) , Sub Divisional Office, Durg, District Durg, Chhattisgarh.

---- Applicant**Versus**

1. State Of Chhattisgarh Through, District Magistrate, Rajnandgaon, District Rajnandgaon Chhattisgarh.
2. Nain Kumar Janbandhu (Dead) (Complainant)

---- Respondents

For Applicant	:-	Mr. B.P. Singh, Advocate
For Respondent-State	:-	Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

27/01/2021

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Complaint Case No.646/2014, registered at Police Station Dongargarh, District Rajnandgaon C.G. for offences punishable under Sections 419, 420, 467, 468, 471/34, 182, 406, 120B of the I.P.C.

2. Complainant Nain Kumar Janbandhu (since deceased) has filed a private complaint under Section 200 of the Cr.P.C. alleging commission of offences under Sections 419, 420, 467, 468, 471/34, 182, 406 & 120B of the Indian Penal Code by the present accused and one L.P. Patel. It is alleged in the complaint that the accused persons being posted in different capacity in the Public Works Department have paid wages to workers who were not employed in the work undertaken by the Department. The accused persons have fabricated the muster roll to obtain financial benefits to the tune of Rs.15,000/-.
3. Since the respondent/complainant was not served and it was reported that he has died in course of trial, this Court had summoned the record of the trial Court. Perusal of the record indicates that despite death of complainant, the trial Court by its order dated 23-11-2020, refused to terminate the proceedings as having abated for the reason that some of the offences are cognizable, non-bailable and non-compoundable, therefore, the procedure for warrant trial would be attracted and the prosecution cannot be dropped.
4. Considering the entire facts and circumstances of the case and for the fact that the matter arises out of private complaint and the incident is reported to be of the year 2010-11, this Court is inclined to release the applicant on anticipatory bail.

5. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with 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) the applicant shall not influence the witnesses during pendency of the trial.

6. It is made clear that since the legal heirs of the complainant are yet to appear before the trial Court, it will remain open for them to apply for recalling of this order on any legally permissible grounds.

SD/-
(Prashant Kumar Mishra)
Judge

Gowri