

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8008 of 2020**

1. Visham Patel And Another S/o Late Buturam Patel Aged About 52 Years Caste Marar, R/o Village Narayanpur, Police Station And Tahsil Bhanupratappur, District North Bastar Kanker Chhattisgarh
2. Prasun Patel S/o Visham Patel Aged About 30 Years Caste Marar, R/o Village Narayanpur, Police Station And Tahsil Bhanupratappur, District North Bastar Kanker Chhattisgarh

---- Applicants**Versus**

- The State Of Chhattisgarh Through Station House Officer, Police Station Bhanupratappur, District North Bastar Kanker Chhattisgarh

---- Respondent**&****MCRC No. 164 of 2021**

- Suraj Kumar Samrath S/o Late Ghanshyam Aged About 50 Years By Caste Halba , R/o Village Narayanpur , Thana And Tahsil Bhanupratappur , District Uttar Baster Kanker Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Bhanupratappur, District Uttar Baster Kanker Chhattisgarh

---- Respondent

For Applicants	:	Shri R.K.Pali and Shri Parag Kotecha, Advocates
For State	:	Shri Pawan Kesharwani, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****12/02/2021**

Heard.

Both the bail applications are being disposed off by this common order as they

arise out of the same crime number.

1. The applicants have been arrested in connection with Crime No.254/2015 registered at Police Station – Bhanupratappur, District – North Bastar, Kanker (C.G.) for alleged commission of offences under Section 420, 467, 468, 409 of IPC.
2. Prosecution case is that the applicants, while posted in the panchayat, in the matter of execution of various public works, serious financial irregularities were committed. The records have been misplaced and in this manner, the applicants misappropriated Rs.26,19,251/-.
3. Learned counsel for the applicants would submit that the report of the Auditor on the basis of which, offence has been registered shows that many works have remained incomplete which cannot be said to be a criminal act. It is next submitted that the statement regarding records, cash book etc. not being found, cannot be fastened upon the applicants because they had handed over the cash book to the present Secretary. He further submits that the funds which were allotted, were partly utilized and only because some of the records are not traceable, the applicants cannot be involved. It is submitted that investigation is complete, charge sheet has been filed and the applicants are in jail since last more than five months, therefore, at this stage, the applicants may be granted bail.
4. On the other hand, learned State counsel opposes bail application and submits that the report against the present applicants have been lodged on the basis of detailed report given by the Auditor in which, in detail, it has been recorded that huge amount of misappropriation of public fund was done by the applicants and the records of the panchayat have also been misplaced. Therefore, *prima facie* case is made out.
5. Considering the nature of allegations, misappropriation of public fund and the amount involved, at this stage, I am not inclined to grant bail to the applicants. The application is, accordingly, rejected.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge