

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1672 of 2020**

- Jaipal Ekka S/o Raphal Ekka Aged About 39 Years, R/o Rambhata, Ward No. 04, Raigarh Kotwali, Police Station Raigarh, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Acting Through Police Station Trikunda, District Balrampur-Ramanujanj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. K. A. Ansari, Senior counsel with Mr. Aaman Ansari, Adv.
For Respondent/State	: Mr. Samir Uraon, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09/04/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No. 74/2020 registered at Police Station- Trikunda, District- Balrampur-Ramanujanj (C.G.) for commission of the offence punishable under Sections 420, 467, 468 and 471 of IPC.
2. Case of the prosecution is that, the applicant, then working as Program Officer (MNREGA) under Janpad Panchayat, Rampur, committed an irregularity and indulged in corruption in the works act village Marga and Krishannagar Dhamni. It is stated that some organization with the name of Jan Adhikar Manch Rajpur made a complaint to collector Balrampur-Ramanujanj in this connection. It is further stated that show cause was not issued and it is alleged that by preparing false bills and without administrative sanction, an amount of Rs. 5,51,680/- was misappropriated. The Chief Executive Officer, Janpand Panchayat, Ramchandrapur made a complaint at the

police station. Based on this, offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that under the Mahatma Gandhi National Rural Employment Guarantee Act it is clearly provided in section 15 that the program officer is to perform certain functions in the works undertaken under the act. Section 23 of the Act provides that the District program coordinator shall be responsible for the proper utilization and management of funds placed at their disposal for implementation of the scheme. He also submits that the payments against the works are on-line and such payments are made only after the bills are signed by both the Chief Executive Officer of the Janpad Panchayat concerned and the program officer. The bills are processed at different stages and the code number of the program officer and the Chief Executive Officer are different and known to them only, therefore, the present applicant may be granted anticipatory bail.
4. On the other hand, counsel for the State however opposes the application for anticipatory bail and submits that the applicant did misappropriation of Rs. 5,51,680 and prepared forged payment bills and in the investigation the applicant was found guilty of misappropriation.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, nature and gravity of offence in question, at this stage, I am not inclined to release him on anticipatory bail.
6. Accordingly, his anticipatory bail application filed under Section 438 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**