



CRM-M-56429-2024
Date of Decision: 21.11.2024

VS.

2. Learned counsel for the petitioner contends that the petitioner remained Sarpanch of village Chaharwala with effect from 2016 to 2021. The inquiry in the present case was initiated in the year 2018 and the FIR was registered on 09.08.2023. Now, after a gap of almost six years, the petitioner is sought to be arrested by the police under political pressure. He further contends that even the case was based on documentary evidence, which has already been collected by the police. Moreover, the petitioner

remained Sarpanch for five years and except the present complaint, no other allegation was against her.

3. Learned counsel for the petitioner contends that the allegations in the present case pertain to the misuse of funds to the tune of Rs.2,30,263/- and without admitting her guilt, the petitioner is ready to deposit a sum of Rs.2,30,263/- with the Area Magistrate/trial Court, subject to the outcome of the trial.

4. Learned State counsel has opposed the prayer made by learned counsel for the petitioner on the ground that there are serious allegations levelled against the petitioner.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the petitioner remained Sarpanch till 2021 and, thereafter, the entire record has been handed over by her to her successor. Even, the inquiry was conducted by the police in the present case and documentary evidence has already been collected during the course of inquiry. Thus, the custodial interrogation of the petitioner may not be required at this stage.

7. In view of the above, without commenting upon the merits of the case, the present is allowed and the petitioner is directed to join investigation and in the event of arrest, she shall be released on bail to the satisfaction of Arresting/Investigating Officer subject to the conditions provided under Section 482 (2) of B.N.S.S and the petitioner shall continue to join the investigation as and when called/required by the police.

8. The petitioner is directed to deposit a sum of Rs.2,30,263/- within a period of two weeks from today with the Area Magistrate/trial

Court subject to outcome of the trial. The trial Court shall deposit the said amount in a fixed deposit in some nationalized bank, fetching maximum rate of interest, during the pendency of the trial before the trial Court. In case, the amount is not deposited within a period of four weeks from today, the present petition shall be deemed to be dismissed.

21.11.2024
smriti

(N.S. SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No