

MCRC-22239-2016

(SMT. RADHA KUSHWAHA Vs THE STATE OF MADHYA PRADESH)

31-01-2017

Shri Sharad Verma learned counsel, for the applicant.

Shri Y.D. Yadav, learned Panel Lawyer for the respondent-State.

On due consideration, documents filed on behalf of the applicant vide covering memo No.530/2017 are taken on record.

Heard arguments.

Perused case diary and material on record.

This is the first bail application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail as she apprehends her arrest in Crime No.988/2016 registered at Police Station Kotwali Sehore against her and co-accused Chand Singh for the offences punishable under Sections 408 and 34 of the IPC.

According to the prosecution, on 07.12.2016 complainant Sanjay Shrivastava, the Project Officer, Integrated Child Development Programme Sehore has lodged a written report alleging that applicant Smt. Radha Kushwaha is a Anganwadi Karyakarta of village Bijlon, Tehsil Sehore. The office had been given her 22 bags of nutritious food (for short 'the food') for distribution amongst the needy children and women. However, on 07.12.2016, she was found taking the food towards village Barkhed with an intent to misappropriate it in a loading auto bearing registration No.MP-04-LC-2677 of which co-accused Chand Singh was the driver.

After referring to an official letter bearing No.636/Ba.Vi.Pa.Ri/2016 dated 30.12.2016 issued by the office of the Integrated Child Development Programme Sehore under the R.T.I. Act to the husband of the applicant, he submits that the said office has given 22 bags of the food to the applicant for distribution through Anganwadi Kendra of which she is the

in-charge and that 13 bags out of 22 bags were distributed amongst the children and women. However, 9 bags of the food could not be distributed because of the expiry date of its consumption. He submits that on 07.12.2016, the date of incident, the applicant was taking 9 bags of the food in the auto to the said office for depositing them for the aforesaid reason. He submits that when the said bags were being transported, they were seized. He submits that for the aforesaid reason, a panchnama dated 07.12.2016 is made by Upsarpanch Gajraj of Gram Panchayat Bijlon in presence of the villagers of the village Bijlon. He submits that in view of the aforesaid facts, the applicant is falsely implicated in the case. He submits that the applicant is an aged woman and that she has been working as Anganwadi Karyakarta for more than 20 years. He submits that looking to the facts of the case her custodial interrogations are not required. He submits that the applicant is a permanent resident of village Bijlon and that she has no criminal antecedents. Upon these submissions, he prays for grant of anticipatory bail to the applicant.

Learned Panel Lawyer opposes the prayer.

On due consideration of the facts and circumstances of the case, the submissions raised on behalf of the parties by their counsel and upon the perusal of the said letter and the panchnama, but without expressing any opinion on merits of the case, I am of the view that it is a fit case for grant of anticipatory bail to applicant **Smt. Radha Kushwaha**. Allowing this application, she is directed to appear before the Investigating Officer **on or before 13.02.2017** for interrogations and submission of documentary proofs of her permanent residential address and contact numbers, if any. The Investigating Officer is ordered that if he arrests the applicant in the case, in that event he will release her on bail immediately upon her furnishing a personal bond in

the sum of **30,000 (only thirty thousand) rupees** with one solvent surety of the same amount to his satisfaction. Further, she will abide by the conditions enumerated in Section 438(2) of the Cr.P.C. It is made clear that if the applicant fails to appear before the Investigating Officer within the stipulated time, then this bail order shall automatically stand cancelled.

Certified copy as per rules.

(RAJENDRA MAHAJAN)
JUDGE

ac/-