

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2098 of 2019**

- Laxman Singh Kashyap S/o Shri Ramsingh Kashyap Aged About 43 Years Working as Sub Engineer, PWD Department, Narayanpur, District- Narayanpur, R/o DNK Colony, House No.- H-3, PWD Colony, Narayanpur, Tehsil and District- Narayanpur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station- Dhaudai, District- Narayanpur, Chhattisgarh.

---- Respondent

For Applicant : Shri Shobhit Koshta, Advocate.

For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****31.01.2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No.3/19 registered at Police Station Dhaudai, District – Narayanpur, (C.G.) for the offence punishable under Sections 420, 467, 468, 409 r/w 34 of I.P.C.
2. As per the prosecution story, one Pawan Kumar Ratre was granted contract of construction of 50 Bed Hostel in Village Kanhargaon, Narayanpur (C.G.) during the period of 2016-2018. At that time, a

complaint was made by the workers before the Collector stating that no payment is being made to them by the Contractor. Thereafter, Collector directed the present applicant who is working as a Deputy Engineer, PWD Department, Narayanpur to make payment to the workers. In compliance of which, present applicant made the payment to the workers in presence of Contractor Pawan Ratre and his clerk Khilendra Patre. It is further alleged that present applicant and other co-accused persons have made less payment to the workers and embezzled the public fund by preparing forged signatures of the workers and thereby they committed the crime in question. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no case is made out against present applicant. The said contract was allotted to Contractor Pawan Ratre, therefore, it was the responsibility of the Contractor to make payment to the workers. There is nothing on record on the basis of which it can be said that applicant was maintaining the payment register or had prepared the forged signatures of the workers. It is further submitted that on 12.01.2019, wages to all the workers has already been given and in this regard one *panchnama* has been prepared which is annexed as A-4. Now, the workers have no grievance regarding payment to them. Looking to the above, it is prayed that present applicant may be granted benefit of anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that contract was allotted to Contractor Pawan Ratre, therefore, it was the responsibility of the Contractor to make payment to the workers, also there is no document available on record or case diary which shows that present applicant has done any entries in the payment register, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
 - (i) 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/her from disclosing such fact to the Court,
 - (ii) He shall not act in any manner which will be

prejudicial to fair and expeditious trial, and

- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash