

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3486 of 2015**

Amarvilas Toppo, aged about 40 years, son of Powel Toppo, Caste Uraon, resident of Village Kunjara, P.S. and Tahsil Kunkuri, Revenue and Civil District Jashpur (C.G.)

.... Applicant

Versus

State Of Chhattisgarh through: Station House Officer, Police Station Kunkuri, Revenue and Civil District Jashpur (C.G.)

---- Non-applicant

For Applicant:	Mr. Kamal Kishore Patel, Advocate.
For Non-applicant/State:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/08/2015**

Heard.

(1) This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.82/2015 registered at Police Station Kunkuri, District Jashpur, for the offences punishable under Sections 420, 467, 468, 471, 409, 120-B of the Indian Penal Code.

(2) Case of the prosecution is that the applicant was working as Post Master at Post Office, Kunjara in the year 2011-12. It is alleged that work was done in the relevant year under the

MANREGA scheme and against the work, payment was required to be made to the labourers through post office but the applicant made payment to the Rojgar Sayayak and others directly and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has falsely been implicated in the offence in question as the applicant has not committed any offence. He further submits that it is not the case that where no payment was made and applicant has embezzled the money; admittedly, there is no dispute regarding payment; applicant is in jail since 26.05.2015 and the charge sheet is yet to be filed but substantial investigation has already been made and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that payment was made by the applicant to the co-accused i.e. Secretary and Rozgar Sahayak and they did not make payment to the Labourers and, therefore, the applicant is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; further considering the extent of delay in lodging the First Information Report; his pre-trial detention and the substantial investigation has already been made; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K.Agrawal)
Judge

D/-

