

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4088 OF 2015**

Mahendra Pratap Singh, S/o Shri Gulab Singh, Aged about 59 years, R/o V.V. Vihar, Street No. 8, Aman Nagar, Mowa, Raipur, Tehsil & District Raipur, P.S. Mowa, Raipur, Chhattisgarh.

---Applicant

Versus

State of Chhattisgarh, Through Police Station Incharge-Police Station Saraipali, District Mahasamund Chhattisgarh.

---Non-applicant

For Applicant	:	Mr. Ankit Singhal, Advocate
For Non-applicant	:	Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****19/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 9/2013, registered at Police Station Saraipali, District Mahasamund, for the offence punishable under Sections 420, 409, 34 I.P.C.

2. As per the prosecution story, approach road was made from village Paikin to Bendrinala and from Barhardih to Bothadih. According to the case of the prosecution, preparation of road, which was to be made by *Murum*, sub-standard materials were used and no proper payment was made to the persons involved. Therefore, on enquiry it came to fore that present applicant, who was Sub-Engineer and B.D. Varshnik, Assistant Engineer, in preparation of such road in connivance with the co-accused namely Smt. Satyavati Bhoi and Smt. Pushpajali have committed crime of misappropriation of

Rs.7,80,053/- and thereby committed offence.

3. Learned counsel for the applicant submits that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that other co-accused persons namely Prakasah Panda, Smt. Satyavati Bhoi and Smt. Pushpajali have played the similar role as that of the present applicant and they have been enlarged on regular bail by co-ordinate Bench and by this Court vide orders dated 23/04/2014 & 18/11/2014 passed in M.Cr.C. Nos. 1810/2014 & 5670/2014. He further submits that enquiry report was prepared in 1½ years and no show cause notice was issued before making any such enquiry. He would lastly submit that charge sheet has been filed and applicant is in jail since 29/06/2015 therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard the counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case further taking into consideration the delay in making enquiry; completion of trial may likely to take some time; charge sheet has been filed and applicant is in jail since 29/06/2015, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of **Rs.25,000/-** along with one surety of the like amount to the satisfaction of the trial Court, for his appearance as and when directed.

8. Certified copy as per rules.

Tiwari

Sd/-
(Sanjay K. Agrawal)
JUDGE