

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No. 4434 OF 2015**

1. Pavitra Rathiya, aged about 35 years, S/o Genda Lal Rathiya,
 2. Lalit Rathiya, aged about 30 years, S/o Genda Lal Rathiya,
- Both are R/o Chitapali, Police Station Chhal, Tahsil Dharamjaigarh, District Raigarh (C.G.), Civil & Revenue District Raigarh (C.G.)

---Applicants**Versus**

State of Chhattisgarh, Through Police of Police Station Dharamjaigarh, Tahsil Dharamjaigarh, District Raigarh (C.G.), Civil & Revenue District Raigarh (C.G.)

---Non-applicant

For Applicants	:	Mr. Ratnesh Kumar Agrawal, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01/09/2015**

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 applicants who have been arrested in connection with Crime No.391/14, registered at Police Station Dharamjaigarh, District Raigarh (C.G.), for the offence punishable under Sections 420, 467, 468, 471, & 34 of the I.P.C.
2. Case of the prosecution, in brief, is that, land acquisition compensation of Rs. 60,78,496/- was granted to the applicants along with Gajeram Rathiya and the present applicants opening joint account of three persons withdrawn that amount and misappropriated the compensation amount payable to the Gajeram Rathiya.
3. Learned counsel for the applicants would submit that applicants

have not committed any offence and have been falsely implicated in the case. He would further submit that Gajeram Rathiya is not their relative, as such, he is not entitled for compensation. He would lastly submit that charge sheet has been filed and applicants are in jail since 12/03/2015, therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that Gajeram Rathiya was also granted compensation along with present applicants but opening forged joint account amount of Gajeram Rathiya has also been withdrawn and he has been deprived by the act of the applicants.

5. I have heard learned 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 nature and gravity of offence and the manner in which present applicants said to have misappropriated amount of Gajeram Rathiya, this Court is not inclined to release the applicants on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE