

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4467 of 2015**

Buddheshwar Prasad S/o Shri Devari Lal, aged about 23 years, R/o Village – Tushar, Police Station- Jaijaipur, Civil and Revenue District – Janjgir-Champa (CG)

---Applicant

Versus

State of Chhattisgarh, Through – Station House Officer, Police Station- Saraipali, District Mahasamund (CG)

---Non-applicant

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

31/08/2015

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.305/2015, registered at Police Station- Saraipali, District-Mahasamund (C.G.), for the offence punishable under Section 420 of the IPC.
2. Case of the prosecution, in brief, is that the applicant has collected Rs.40,000/- from the villagers for providing financial assistance of Rs.80,000/- under the scheme 'Indira Awas Yojna' and issued fake receipts and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the applicant is in jail since 11.8.2015, there is substantial delay in lodging the F.I.R. and substantive investigation has already been completed and therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.
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; role of the present applicant and the fact that the applicant is in jail since 11.8.2015, 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.
8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-