

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5949 of 2015

1. Sunil Mahakalkar, S/o. Late Shri Neelkanthrao Mahakalkar, aged about 52 years, R/o. Shakti Nagar, Rajnandgaon, P.S. - City Kotwali, Tahsil and District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station City Kotwali, Rajnandgaon, Tahsil and District Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. S.C. Verma, Advocate

For Respondent/State : Mr. Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/11/2015

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.86/2015, registered at Police Station – City Kotwali, Rajnandgaon District Rajnandgaon (C.G.) for the offence punishable under Section 409, 420, 467, 468, 471, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant, who was working as Block Education Officer was posted at Rajnandgaon have embezzled the government fund by not adhering to the Bhandar Kraya Rules and different notification, which was issued by the State and the applicant was posted as Block Education Officer from the year 2006 to 2012 and despite the fact that he was not empowered to allow the

payment to be made to execute the programmes of the Rajeev Gandhi Shiksha Mission. It is further alleged that forged bills have been filed and the payments were made to the Sankul Centre, which the applicant failed to notice. Thereafter, on due enquiry, the Collector has recommended for lodging of FIR and subsequently, FIR has been lodged.

3. Learned counsel for the applicant would submit that according to the prosecution itself, the entire allegation was on one Dilip Rangari, who was posted at Block Resource Coordinator, Rajeev Gandhi Shiksha Mission and the Collector after detailed enquiry, recommended for registration of FIR against Dilip Rangari that he has embezzled the fund. It is further contended that even otherwise the applicant was not entitled to make disbursement it is only duty to see that whether the programme proposed has been properly been followed or not. Subsequently, it was the duty of the Block Resource Coordinator, therefore, at the most he can be held to have committed negligence in duty and not for embezzlement for the government fund. He would further submit that detailed charge sheet has been filed, therefore, he would pray that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and would submit that in the FIR, name of the applicant is included as he has failed to follow the norms of the government, which resulted into embezzlement.
5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Charge sheet in this case has been filed. Perusal of the charge sheet would show that primary allegations are on one Dilip Rangari and certain amount was not set-off and amount of Rs.43,409/- has been stated to be received by the applicant but it was not set-off. Considering the fact that voluminous documents has been seized by the prosecution, the charge sheet has been filed and it is prima-facie appears that primary allegations are against Dilip Rangari. Taking into fact that the evidence available are in documentary nature, and considering the fact that the charge sheet has been filed and the applicant is in jail since 01.10.2015, this Court is of the opinion that present is a 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 his 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/-
(Goutam Bhaduri)
Judge