

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3530 of 2015

1. Jakir Ali, aged 35 years, S/o Shri Shaukat Ali, R/o Melapara, Irani Mohalla, Chantidih, Police Station Sarkanda, Bilaspur, District Bilaspur (C.G.)
2. Babar Ali, aged 38 years, S/o Shri Ilyakat Ali, R/o Melapara, Irani Mohalla, Chantidih, Police Station Sarkanda, Bilaspur, District Bilaspur (C.G.)
3. Shahjahan Ali, aged 40 years, S/o Shri Malakshah, R/o Gorakhpur, Pendra, Police Station Pendra, District Bilaspur (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Police Station Bhatapara, District Baloda Bazar-Bhatapara (C.G.)

---- Non-applicant

For Applicants:	Mr. Ashok Das Vaishnav, Advocate.
For Non-applicant:	Mr. Om Prakash Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. AgrawalCAV Order31/07/2015

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.133/2015, registered at Police Station Bhatapara, Distt. Baloda Bazar-Bhatapara, for the offence punishable under Sections 409 and 420 of the IPC.
2. Case of the prosecution, in brief, is that one of the co-accused Amritlal Kanwar while working as Chief Executive Officer, Janpad Panchayat, Bhatapara, misappropriated Rs.92,91,000/- Governmental amount and the present applicants obtained Rs.32,25,000/- to get co-accused Amritlal Kanwar relieved from the entire dispute and thereby committed the offence.

3. I have heard learned counsel for the parties and perused the case diary.
4. Learned counsel for the applicants submits that the applicants have not committed any offence, they have been falsely implicated in the case, they have no connection with Amritlal Kanwar – co-accused, as he has misappropriated and finding no way to wriggle out from the offence it has been falsely stated by him that he has given Rs.32,25,000/- to the present applicants, as such, they are in jail for a fairly long time i.e. since 12-6-2015 and, therefore, they be released on bail.
5. On the other hand, learned State counsel opposes the application and submits that the applicants are not entitled to be released on bail, as they have cheated and obtained Rs.32,25,000/-, the Governmental money, from co-accused Amritlal Kanwar.
6. Taking into consideration the nature and gravity of offence, role of the present applicants, the manner in which the applicants are alleged to have committed the offence and obtained huge amount and criminal antecedents of applicant No.2, I am not inclined to grant bail to the applicants. The application is hereby rejected.

Sd/-
(Sanjay K. Agrawal)
Judge