

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 3903 OF 2015**

Narendra Patel, S/o Bodhram Patel Aged about 35 years R/o Village Gureli,
Police Station Sarangarh, Tehsil Sarangarh, Civil & Revenue District Raigarh
(C.G.)

---Applicant**Versus**

The State of Chhattisgarh, Through: District Magistrate, Raigarh (C.G.)

---Non-applicant

For Applicant	:	Mr. D.K. Gwalre, Advocate
For Non-applicant	:	Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/08/2015**

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. 21/2015, registered at Police Station Sarangarh, District Raigarh, for the offence punishable under Sections 406, 409/34 of I.P.C.

2. Case of the prosecution, in brief, is that, applicant while working as Sarpanch of Gram Panchayat, Gureli, District Raigarh misappropriated public funds by showing excess valuation of public works undertaken by Gram Panchayat.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that in the relevant time i.e. 2013-14, applicant was working as Sarpanch of the Gram Panchayat, Gureli and work

duly executed and duly certified by the engineers and time keepers engaged on work in the spot, payment was made and thereafter, for about six months no question was raised. On 13/09/2014, a team conducted inspection and valuation but the team did not make valuation of works No. 13 and 31, which is clear from Annexure-A/2 and incorrectly made valuation showing less valuation of Rs.1,00,64,533/-, which is wholly incorrect figure. He would further submit that there is delay of six months in making second valuation. He would also submit that no custodial interrogation is required and no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed and applicant is in jail since 08/04/2015, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the prayer for grant of bail and submit that applicant being a Sarpanch of Gram Panchayat, Gureli was responsible for alleged excess payment by showing excess valuation of public work than the work which was actually found on the spot.

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

6. Prima facie, it appears that applicant was working as Sarpanch of the Gram Panchayat, Gureli and during his tenure, public works were undertaken. It is not the case of the prosecution that no work was undertaken and payment was made. It is a case, where valuation is more than the work actually found on the spot. Ordinarily, such valuation was done by the engineers, time keepers and technical hands on the spot and there is delay of six months in making second valuation and two works i.e. works No. 13 and 31 were not valued; applicant is Ex-Sarpanch already demitted from the office; he is in jail since 08/04/2015 and charge sheet has been filed, 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

Tiwari