

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4938 of 2015**

Bhagwan Das Wasnik, S/o Ishwar Dayal Wasnik, aged about 55 years, R/o Village Nandi, Tahsil Katangi, District Balaghat (M.P.)

.....Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S.- Saraipali, Distt- Mahasamund (C.G.)

---- Non-Appllcant

For Applicant:	Shri Chandresh Shrivastava, Advocate.
For Respondent/State:	Shri Om. P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****21/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 9/2013 registered at Police Station Saraipali, Distt. Mahasamund for the offences punishable under Sections 420 & 409 read with Section 34 of the Indian Penal Code.

(2) As per the prosecution story, approach road was made from village Paikin to Bendrinala and from Barhardih to Bothadih. According to the case of the prosecution, preparation of road,

which was to be made by *Murum*, sub-standard materials were used and no proper payment was made to the persons involved. Therefore, no enquiry it came to fore that present applicant, who was Assistant-Engineer and Mahendra Pratap Singh, Sub-Engineer, in preparation of such road in connivance with the co-accused namely Smt. Satyavati Bhoi and Smt. Pushpajail have committed crime of misappropriation of Rs.7,80,053/- and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has falsely been implicated in the crime in question. He would further submit that co-accused person namely Mahendra Pratap Singh has already been granted regular bail by this Court vide order dated 19.08.2015 in M.Cr.C. No. 4088/2015 and, therefore, the present applicant may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State, after verifying the records, would submit that present case is similar to that of accused person, who has already been granted regular bail by this Court vide order dated 19.08.2015 in M.Cr.C. No. 4088/2015.

(5) Considering the totality of the facts, in particular the fact that co-accused person has already been granted regular bail by this Court vide order dated 19.08.2015 in M.Cr.C. No. 4088/2015; and the applicant is in jail since 02.09.2015, this court is of the view that it is a fit case to release the applicant on

bail. Accordingly, the application is allowed.

(6) Accused/applicant - Bhagwan Das Wasnik is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-