NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No.5520 of 2015

Saiyyad Dilsad Ali, aged about 37 years, S/o Saiyyad Nawab Ali, R/o Kasaridih, Gali No.2, Ward No.42, Police Station Durg, Tahsil and Distt.Durg (CG)

---Applicant

Versus

State of Chhattisgarh, Through-Police Station Arang, Civil & Revenue District Raipur (CG)

---Non-applicant

For Applicant : Mr. Arvind Dubey, Advocate
For Non-applicant : Mr. O.P.Sahu, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

13/10/2015

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.195/2014, registered at Police Station-Arang, District-Raipur (C.G.), for the offence punishable under Section 420/34 of the IPC.

2. Case of the prosecution, in brief, is that the applicant and co-accused Block Education Officer conspired and took delivery of computers, which were found assembled computers in place of branded computers in the year 2010-2011 and thereby committed the aforesaid offences.

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 report has been lodged on 12.6.2014 i.e. after delay of three years and as such, the applicant has been arrested and detained in jail since 30.7.2015. Charge-sheet has already been filed.

4. On the other hand, learned counsel for the State would oppose the

bail application and submit that the present applicant and co-accused have cheated the State Government.

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 the offence, role of the present applicant, extent of delay in lodging the F.I.R., pre-trial detention of the applicant and the fact that charge-sheet has already been filed, 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/-

(Sanjay K. Agrawal)
JUDGE

B/-