

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.No.2124 of 2016

Ashok Prasad Singh, S/o Dilan Singh, aged 25 years, Caste-Rotiya, R/o Village-Lodhma (Gihaldih), Police Station-Kunkuri, District-Jashpur (CG)

---Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station – Narayanpur, District Jashpur (CG)

---Non-applicant

For Applicant	:	Mr. Malay Shrivastava, Advocate
For Non-applicant	:	Mr. D.R.Minz, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

25/04/2016

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.37/2014, registered at Police Station-Narayanpur, District-Jashpur (CG), for the offence punishable under Sections 420, 409, 467, 471 and 120B/34 of the IPC.

2. Case of the prosecution, in brief, is that the Chief Executive Officer of Janpad Panchayat Kunkuri, District Jashpur sanctioned ₹ 5,00,000/- for construction of work in the Gram Panchayat, Kudukela at Scheduled Ward. It is further case of the prosecution that no such work has been executed and amount of ₹ 5,00,000/- was withdrawn, the present applicant along with Sarpanch of Gram Panchayat Kudukela embezzled the same and thereby committed the offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence, work has been done strictly in accordance with law and payment has been made by the office of Collectorate. He would

further submit that the Sub Divisional Officer (Revenue) has passed an order dated 12.9.2014 directing recovery of ₹ 5,00,000/-, the applicant being Secretary of the Gram Panchayat is in jail since 11.12.2015 and charge-sheet has already been filed, therefore, he may be released on bail.

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

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

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant and the fact that SDO had already passed an order for recovery under Section 40(1) of the C.G. Panchayat Raj Adhiniyam, pre-trial detention of the applicant and also 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 the 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.

Sd/-

Sanjay K. Agrawal)
JUDGE

B/-