

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4906 of 2016

1. Parsu Ram Nayak, S/o. Lamra Ram Nayak, aged 57 years, Caste- Routiya, Occupation-Service, SDO, Gramin Yantriki Service, Kunkuri, District – Jashpur (C.G.), R/o. Dugdugiya, Kunkuri, District - Jashpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Narayanpur, District – Jashpur (C.G.)

---- Respondent

For Applicant	: Mr. Malay Shrivastava, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/08/2016

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 (C.G.) for the offence punishable under Section 420, 409, 467, 471, 120-B, 34 of I.P.C.
2. Case of the prosecution, in brief, is that Chief Executive Officer of Janpad Panchayat Kunkuri, District – Jashpur sanctioned Rs.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 It is further case of the prosecution that no such work has been executed and amount of Rs.5,00,000/- was withdrawn, the present applicant along with Sarpanch and Sachiv of Gram Panchayat Kudukela embezzled the same and thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant was enlarged on anticipatory bail vide order dated 11.02.2015 in M.Cr.C. (A) No. 1321/2014, subsequently remained absented, therefore, arrest warrant was issued against him on 04.04.2016 and he subsequently surrendered on 11.07.2016. It is further submitted that the applicant was severally ill during the period, therefore, he could not produced himself and after his recovery, he presented himself before the Court on 11.07.2016. It is further submit that earlier the applicant was enlarged on bail and the investigation was not affected, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case and the fact that earlier anticipatory bail was granted to the applicant by the Coordinate Bench of this Court and further taking into the fact that the applicant has already surrendered on 11.07.2016, I am inclined to release the applicant on 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/-
(Goutam Bhaduri)
Judge

Balram