

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7412 of 2015

Christaiya Jhadi, S/o Late G. Jhadi, Aged About 45 Years, R/o Village Madded, P.S. Bijapur, Revenue District Bajapur & Civil District South Bastar Dantewada, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through: The Police Station Kondagaon, District Kondagaon, Chhattisgarh

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.329/2014 registered at Police Station- Kondagaon, District Kondagaon (C.G.) for the offence punishable under Section 409, 420, 467, 468 and 471 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant who was the Secretary of the NGO i.e. Sajal Shradha Seva Sansthan Jagdalpur was granted work to execute the work of MNREGA by the State and without executing the entire work an amount of Rs. 1,86,62,000/- was withdrawn though the total work to that extent was not done whereas the work of Rs.65,00,000/- was done.
3. Learned counsel for the applicant submits that the entire work was done which was certified by the then C.E.O. and also approved by the Collector and on that basis the payment was made. He further

submits that the similarly placed co-accused namely Buddheshwar Prasad Ratre has been enlarged on bail by this Court in M.Cr.C. No.5544 of 2015, therefore, the applicant may also be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and he would submit that the Secretary of NGO has withdrawn the amount.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the charge sheet in this case has been filed wherein voluminous documents are available which are documentary in nature, considering the detention of the applicant as he is in jail since 21.04.2015, the offence is triable by the JMFC and further considering the fact that the similarly placed co-accused has been enlarged on bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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