

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 204 of 2016

Indra Pal Diwakar, S/o. Kanhaiya Lal Diwaker, Aged About 37 Years, R/o. Village Khairwar Kala, P.S. Panadatari, District Kabirdham, Chhattisgarh. (Complete address not mentioned in order dated 23-12-2015)

---- Applicant

Versus

State Of Chhattisgarh, Through: Police Station Pipariya, District Kabirdham, Chhattisgarh

---- Respondent

For Applicant : Mr. A.K.Yadav, Advocate

For Respondent : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.01.2016

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.256/2015, registered at Police Station– Pipariya, District Kabirdham (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant in between the period May, 2014 to May, 2015 by false personification pretending him to be the worker of Horticulture Department received Rs.5000/- each from different villagers to provide them goods under the subsidy to the extent of 60% and thereby collected Rs.1,60,000/-.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the applicant was working to provide loan to different loanees and for

that the amount was paid and the same was not taken as to provide subsidy. He further submits that the charge sheet has been filed and only five persons have stated against the applicant that he has received Rs.5000/- each, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perusal of the case diary shows that the statement of the victim have been recorded. Considering the nature of allegation and the degree of offence and further taking into fact that the charge sheet has been filed and the applicant is in jail since 27.10.2015, 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