

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 114 of 2016

1. Subhash Sahu, S/o. Brindalal Sahu, aged about 45 years, R/o. Village-Bhanpuri, Police Station – Arjuni, District – Dhamtari (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station – Arjuni, District – Dhamtari (C.G.)

---- Respondent

AND

M.CR.C. No. 179 of 2016

1. Rikhiram Netam, S/o. Late Shri Premlal Netam, aged about 40 years, Occupation-Ex-Sarpanch of Gram Panchayat – Piperchhedhi, P.S. Arjuni, Civil and Revenue District – Dhamtari (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Arjuni, Civil and Revenue District – Dhamtari (C.G.)

---- Respondent

For Applicants	: Ms. Sunita Jain, Advocate & Mr. Samir Singh, Advocate
For Respondent/State	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/01/2016

1. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.228/2015, registered at Police Station – Arjuni, District – Dhamtari (C.G.) for the offence punishable under Section 409, 120-B of the Indian Penal Code.

2. Case of the prosecution, in brief, is that the applicant, Subhash Sahu was Secretary and applicant, Rikhiram Netam was Sarpanch of Gram Panchayat, Piperchhedi, while allotting the plots, as per the government scheme to 66 persons, Rs.1,000/- each was received from all the allottees, therefore, they have embezzled the amount and the allotments were made without following the rules.
3. Learned counsels for the applicants would submit that the applicants have been falsely implicated in this case. The counsel would further submit that entire allegations have been made without any evidence and no case of embezzlement is made out. He would further submit that charge-sheet in this case has been filed and the the applicants are in jail since 13.12.2015 and 07.12.2015, therefore, the applicants 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 and perused the case diary.
6. Taking into facts and circumstances of the case, the degree of allegation levelled against the applicants, and the fact that the applicants are in jail since 13.12.2015 & 07.12.2015 and further taking into the fact that charge-sheet in this case has been filed, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram