

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.No.558 of 2016

Bajrang Gupta S/o Beni Prasad Gupta, aged 40 years, R/o Village-Kunjara, Police Station and Tahsil-Kunjiri, District Jashpur (CG)

---Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Kunkuri, District Jashpur CG)

---Non-applicant

For Applicant	:	Mr. Malay Shrivastava, Advocate
For Non-applicant	:	Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

11/02/2016

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.82/2015, registered at Police Station-Kunkuri, District-Jashpur (CG), for the offence punishable under Sections 420, 467, 468, 471, 409 and 120B of the IPC.

2. Case of the prosecution, in brief, is that in the year 2011-2012 work was done under the Mahatma Gandhi National Rural Employment Guaranteed Scheme by Gram Panchayat-Thethetangar, at that time Hiranman Xalxo was Sarpanch of said Gram Panchayat and the applicant was Up-Sarpanch of other village Kunjara and on the basis of forged muster-roll, a sum of ₹3,34,633/- was withdrawn by the accused persons.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been

implicated in crime in question. He would further submit that the applicant is Up-Sarpanch of village Kunjara and there is no relation with village Thethetangar where the alleged work was executed. He would also submit that Chief Executive Officer has already been granted anticipatory bail and case of the present applicant is better than the case of Chief Executive Officer. The applicant is in jail since 21.12.2015 and charge-sheet has already been filed and 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 and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant; his pre-trial detention and the fact that Chief Executive Officer has already been granted anticipatory bail, 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.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-