

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1301 of 2016**

Suryakant Pandey, son of Devkinandan Pandey, aged about 32 years, at present Ashirwad Colony, Ward No.44, Basantpur, Tahsil and District Rajnandgaon (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through : Station House Officer, Police Station Gaindtola, Rajnandgaon, Tahsil Chhuriya, District Rajnandgaon (C.G.)

-----Non-applicant

For Applicant: Mr. Shailendra Dubey, Advocate.
For Non-applicant/State: Mr. Neeraj Kumar Sharma, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****16/03/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 79/2015 registered at Police Station Gaindtola, District Rajnandgaon for the offences punishable under Sections 420, 468, 469 & 471 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 24/12/2014 applicant being the Incharge of Distributing the cheques of ₹ 45,000/- to the beneficiaries give it to co-accused Ghanshyam Ambade and in turn co-accused Ghanshyam Ambade did not disburse the same to the beneficiaries and he, after opening forged account in the Bank, deposited the above cheques in the

Bank and thereafter withdrawn the amount and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has not committed any offence and he has not committed any offence. He further submits that the applicant being the regular government servant working as Data Entry Operator has distributed the amount of ₹ 7,000/- to the beneficiaries and remaining cheques were given to co-accused Ghanshyam Ambade for distributing the same to the beneficiaries but he did not disburse the same to the beneficiaries and after opening forged account deposited the cheques in the account and withdrawn the amount and, as such, the applicant is not responsible for any misappropriation. He further submits that applicant is languishing in jail since 13.01.2016 and no useful purpose would be served in detaining him in jail and, therefore, the applicant may be released on bail.

(4) On the other hand, 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 consideration the facts and circumstances of the case; role of the applicant in the offence in question; and particularly considering the fact that main allegation of opening forged account and withdrawal of the amount is upon the co-accused – Ghanshyam Ambade; his detention period; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant – **Suryakant Pandey** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-