

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.2200 of 2016**

Pramod Kumar Sharma (P.K. Sharma), S/o. Shri Shalik Ram Sharma @ Shaligram Sharma, aged about 55 years, R/o Khirkhiri, Police Station Charurai, Civil and Revenue District Chhindwada (M.P.), at present R/o. Sub Divisional Officer, Water Resource Sub Department, Bhairamgarh, P.S. and Post Bhairamgarh, Civil and Revenue District Bijapur (CG)

---Applicant**Versus**

State of Chhattisgarh Through, Police Statio, Kotwali, Jashpur, District Jashpur (CG)

---Non-applicant**And****M.Cr.C.No.7577 of 2015**

M.S. Nagouri, Aged about 54 years, S/o. M. Hanif Nagouri, R/o Sub Engineer, Jashpur Nagar, Presently posted at District Jashpur (CG)

---Applicant**Versus**

State of Chhattisgarh Through S.H.O.-City Kotwali, District-Jashpur (CG)

---Non-applicant

For Applicant	:	Mr. Manoj Paranjape, Advocate in M.Cr.C.No.2200 of 2016.
For Applicant	:	Mr.Hemant Gupta, Advocate in M.Cr.C.No.7577 of 2015
For Non-applicant	:	Mr. O.P.Sahu, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/05/2016**

1. The aforesaid two bail applications are arising out of the same crime number, therefore, they are being disposed of by this common order.

2. 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.38/2013, registered at Police Station-Kotwali, Jashpur, District-Jashpur (CG), for the offence punishable under Sections 420 and 409/34 of the IPC.

3. Case of the prosecution, in brief, is that the present applicants along with co-accused N. Tirkey, Executive Engineer from 12.12.2007 to 29.2.2012 got some work executed under the MANREGA scheme, in which the applicants and co-accused are alleged to have made excess payment of ₹ 11,35,813/- and thereby committed the aforesaid offences.

4. Mr.Manoj Paranjape and Mr.Hemant Gupta, learned counsel appearing for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. They would further submit that Executive Engineer N. Tirkey has been enlarged on bail by this Court vide order dated 4.9.2015 in M.Cr.C.No.3586 of 2015. The applicants have surrendered themselves before the competent Court on 8.3.2016 and 2.11.2015 respectively. They would also submit that case of the present applicants is similar to that of co-accused N. Tirkey, charge-sheet has already been filed and no useful purpose will be served by detaining them in jail.

5. On the other hand, learned counsel for the State would opposes the bail applications.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicants, date of incident and the fact that bail was granted to co-accused N. Tirkey, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

9. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-