

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3680 of 2016**

Munna Lal Jain, S/o. Deepchand, Aged About 55 Years, R/o. Santlahari Nagar, Police Station City Kotwali, Dhamtari, Civil & Revenue District Dhamtari, Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh, Through the Station House Officer, Police Station Arjuni, District Dhamtari, Chhattisgarh.

---- Respondent

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For Applicant : Dr. N.K.Shukla, Senior Advocate with Mr. Shiv Shankar Tiwari, Advocate

For Respondent : Mr. O.P.Sahu, Govt. Advocate  
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**MCRC No. 3454 of 2016**

Ashwani Sinha, S/o. Zahur Ram Sinha, Aged About 36 Years, R/o. Village Dorki, Police Station Arjuni, District Dhamtari, Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station Arjuni, District Dhamtari, Chhattisgarh.

---- Respondent

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For Applicant : Mr. Y.C.Sharma, Advocate

For Respondent : Mr. O.P.Sahu, Govt. Advocate  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**14.07.2016**

1. These are the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.330/2015, registered at Police Station- Arjuni, District Dhamtari

(C.G.) for the offence punishable under Section 409, 201 & 120-B of Indian Penal Code.

2. Case of the prosecution, in brief, is that the applicant Munna Lal Jain was the Sub Engineer who was to supervise certain preparation of pond and road carried out under the scheme of Mahatma Gandhi NAREGA at District Dhamtari and the applicant Ashwani Sinha was the Sarpanch of village Dorki and the complaint was made by one Dharendra Kumar Sinha that in preparation of such pond and road without proper valuation, the government amount has been siphoned and both the applicants alongwith other co-accused were hand in gloves had committed the offence.
3. Learned counsel for the applicants would submit that the report was made by Dharendra Kumar Sinha after three years of the work already completed and the pond and road which was made had passed three monsoon, consequently the quality could not have been adjudged on the later stage of three years. It is further submitted that the charge sheet has been filed and there is no further evidence required as necessary investigation was also carried out by the Lokpal, therefore, considering the fact that the applicants are in jail since 26.04.2016 & 28.02.2016 respectively, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The documents would show that a detail enquiry was carried out and it was also found that the amount of Rs.13,98,620/- was illegally withdrawn without any proper sanction. The Lokpal had also carried out the investigation. Considering the fact that there is three years delay in

FIR and the fact that the charge sheet has been filed and all the evidences are documentary in nature and further considering the pretrial detention of the applicants, I am inclined to release the applicants on bail.

6. Accordingly, both the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-  
**(Goutam Bhaduri)**  
Judge