

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3738 of 2016

- Umesh Kumar S/o Ishar Ram Thakur Aged About 45 Years R/o Village Baliyara, P.S. Arjuni, Tahsil, Civil & Revenue District Dhamtari, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Arjuni, Tahsil & Civil & Revenue Dhamtari, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Anchal Kharya, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 330/2015 registered at P.S. Arjuni, Distt. Dhamtari (C.G) for the offence punishable under Sections 409, 420, 120-B IPC.
2. Case of the prosecution, in brief, is that a report was made one Dharendra Kumar Sinha that in execution of MGNREGA work, substandard work has been done by the executive agency. On the basis of such report, the Lokpal has constituted a committee of three members wherein after evaluating various works, it was found that total amount of Rs.13,98,620/- has been misappropriated. Thereafter, the Lokpal after enquiry passed an order to recover 70% of the said amount from the Sarpanch and Secretary, 20% from the Sub-Engineer and 10% from the Technical Assistant. The applicant is Secretary of Gram Panchayat.
3. Learned counsel for the applicant submits that the enquiry was made after 3 years of the work already completed and the works of pond

and road had passed three monsoons, 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 is required as necessary investigation was carried out. He further submits that similarly placed co-accused Ashwini Sinha has been granted regular bail by this Court in M.Cr.C.No.3454 of 2016 on 14.07.2016, therefore, the applicant may also be enlarged 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show that a detailed enquiry was carried out wherein it was also found that the amount of Rs.13,98,620/- was illegally withdrawn without any proper sanction.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 delay of three years in filing 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 applicant as he is stated to be in jail since 27.02.2016 as also the fact that similarly placed co-accused Ashwani Sinha has been enlarged on regular bail by this Court in M.Cr.C.No.3454/2016, I am inclined to release the applicant on bail.
6. Accordingly, both the bail application is allowed and the applicant is directed to 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.

Cc as per rules.

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