

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4777 of 2016

- Bhanu Dhruv S/O Late Kacharu Ram Dhruv Aged About 32 Years
R/O Village - Dondaki, P.S. - Arjuni, Civil & Revenue Distt. -
Dhamtari Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22-08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 27-4-2016 in connection with Crime No. 330 of 2015, registered at Police Station Arjuni, District Dhamtari (CG) for the offence punishable under Sections 409, 201 and 120-B/34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant who was Rojgar Sahayak in connivance with other co-accused withdrew Rs.13,98,620/- over and above the work done for which Lokpal had issued notice and subsequently on inquiry it was found that the work done for pond and road was shown inflated and excess amount was siphoned along with other co-accused persons and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, charge-sheet has been filed

in this case, he is in jail since 27-4-2016 and no further investigation is required. He would further submit that similarly placed other co-accused persons have been granted bail vide order dated 14-7-2016 passed by this Court in M.Cr.C.Nos. 3680 of 2016 and 3454 of 2016, therefore, the applicant may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to the case of co-accused who has been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that charge-sheet has been filed, the applicant is in jail since 27-4-2016 and further considering the fact that similarly placed co-accused persons have been granted bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju