

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6900 of 2016

R.N.Nikunj, S/o. Late Bandhe Ram Nikunj, Aged About 52 Years, R/o. Village Dumarmuda, Police Station & Tahsil Pathalgaon, District Jashpur, Civil & Revenue District Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Jashpur, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Kumar Sinha, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.12.2016

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 in connection with Crime No.39/2012 registered at Police Station- Jashpur, District Jashpur (C.G.) for the offence punishable under Section 420, 409, 120-B of Indian Penal Code.
2. As per the prosecution case, an amount of Rs.49.05 Lakhs were sanctioned for construction of the Bridge and it is alleged that the applicant alongwith other co-accused have spent an amount of Rs.21.82 Lakhs and misappropriated Rs.23.99 Lakhs. After investigation, the charge sheet was filed against other co-accused and after the trial, the other co-accused were acquitted and subsequently, the applicant surrendered after acquittal of the other co-accused.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and he is in jail since 19.09.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. The State was directed to enquire as to how the applicant was absconding. The report which is received shows that the applicant was absconding since 2013 and neither he appeared nor he was available in the residential address. It appears that the applicant was absconding and when the other co-accused have been acquitted, he appeared in his case for trial. Taking into such modus operandi, I am not inclined to release the applicant on bail, at this stage.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Ashok

Sd/-
(Goutam Bhaduri)
Judge