

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 866 of 2017

- Rohit Tandon S/o Late Ramprasad Tandon, Aged About 43 Years R/o Village Lakhanpur, Police Station Patewa, Tahsil Mahasamund, District Mahasamund, Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh through Police Station Mahasamund, District Mahasamund, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Manoj Paranjpe, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.03.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 65/2016 registered at P.S. Mahasamund, Distt. Mahasamund (C.G) for the offence punishable under Sections 420, 467, 409, 477, 120-B, 468, 471 read with section 34 of IPC.
2. As per the prosecution case, for construction of boundary wall of School building of Gram Chindoli, Rs.7,50,000/- was sanctioned and the construction was delegated to Sarpanch. Out of that, Rs.3,75,000/- was deposited in the account. On 04.04.2013, Rs.3 lakhs were withdrawn from the account. Subsequently on 17.09.2013 the work was evaluated to be Rs.1,05,068/- but before before presenting the documents to the SDO for sanction, the first figure of evaluated amount "1" was changed as "4" and as such sanction for withdrawal of the amount of Rs.4,05,668/- was obtained and thereafter the said amount was withdrawn.

3. Learned counsel for the applicant would submit that after the sanction was made, the entire work was carried out and after receipt of notice, the entire amount has been deposited by the Sarpanch and the present applicant who is Secretary which is evident from the document filed along-with the bail petition. He further submits that the charge sheet has been filed; no further investigation is necessary and the applicant is in jail since 26.09.2016, therefore, he may be enlarged on bail.
 4. Learned State Counsel was directed to verify as to whether the amount has been paid or not. However, despite 3 chances given to the State, again today time is sought about the verification of the document.
 5. Perused the case diary and the documents filed along-with the bail application. Prima facie, it appears that Rs.1,70,000/- and Rs.1,05,000/- have been deposited.
 6. Considering the facts and circumstances of the case, more particularly, the fact that the amount has been deposited and the evidence available in this case appears to be documentary nature; charge sheet has been filed and the applicant is in jail since 26.09.2016, I am inclined to allow this bail application.
 7. Accordingly the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed.
- Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**