

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 263 of 2017

- Vijay Kumar Satpati S/o Chakradhar Satpati, Aged About 36 Years R/o Village- Porath, Thana- Sariya, District- Raigarh Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through- The Police Station House Officer, Dabhra, District- Janjgir- Champa Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Kamal Kishore Patel, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30-01-2017

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 10-09-2016 in connection with Crime No. 366 of 2014, registered at Police Station Dabhra, District Janjgir-Champa (CG) for the offence punishable under Sections 409, 420, 467, 468, 34 of IPC.
2. Case of the prosecution, in brief, is that on 2-11-2014 a report was made by the Chief Executive Officer, Janpad Panchayat, Malkharoda that 11 number of development work of Gram Panchayat, Devgaon was allotted for which Rs.1,04,00,807/- was sanctioned. Subsequently, on enquiry, it was found that the applicant, who was allotted to do the job of measurement, did not measure the work entirely and inflated the measure work though it was not carried out and only work of Rs.25,84,365/- was carried out despite amount of Rs.88,87,663/- was disbursed and thereby the aforesaid offence has been committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case, in fact the work was carried out and due to rains the work could not be measured. He would further submit that the other co-accused person has been enlarged on bail vide order dated 11-01-2017 passed by this Court in M.Cr.C.No. 8547 of 2016, charge-sheet has been filed in this case, the applicant is in jail since 10-09-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Taking into consideration the facts and circumstances of the case and further considering the evidence which appears to be documentary in nature and also the fact that other co-accused person has been enlarged on bail by this Court, charge-sheet in this case has been filed and he is in jail since 10-09-2016, this court is 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 her 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 her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju