

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4037 of 2017

- Vinod Yadav S/o Shri Sarju Yadav, Aged About 30 Years R/o Jarhi Colony, Ward Number 10, Tehsil & District Surajpur, Police Station Bhatgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Mungeli, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. Hemant Kesharwani, Advocate.

For Respondent/State : Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/11/2017

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 in connection with Crime No. 154/2017, registered at Police Station- City-Kotwali, District – Mungeli(C.G.) for the offence punishable under Sections 409, 420, 467, 120B read with Section 34 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The allegation against the applicant that he is embezzled the amount of Rs.4,74,257/- is not supported by the evidence of prosecution in this case. Applicant is in jail since 26.4.2017 for almost more than 6 months, the charge-sheet has been filed and trial has commenced, but because of the interim

order passed by this Court in WPCR No.188/2017 dated 30.6.2017, the trial has been stayed by the trial Court, hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that the Chief Municipal Officer Ku. Sagar Raj has categorically given statement against the applicant putting all the blame on him regarding the embezzlement of the amount and faking a sanction for construction. In these circumstances, applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. Applicant is posted as Sub-engineer in Municipal Council, Mungeli and was responsible for receiving fine amount in the proceedings for legalizing the construction and also for ODF scheme. A total of Rs.4,74,257/- was received by the applicant and not deposited in the account of the municipal Council, Mungeli, thus, committing the offence of embezzlement.
6. Considering on the material against the applicant in this case and the fact that a charge-sheet has been filed and trial has commenced which is likely to take some time before its conclusion, it would not serve any purpose if the applicant is kept in jail for the entire period of trial and also looking to this fact that applicant is a public servant whose availability before the trial Court shall not be compromised if he is enlarged on bail, hence, this appears to be a fit case where the applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a

personal bond for a 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha