

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3919 of 2017

- Rajkumar Kaivart S/o Horilal Kaivart, Aged About 44 Years
R/o Village Nigaarbandh, Tahsil & Police Station Takhatpur,
District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Takhatpur,
District Bilaspur, Chhattisgarh

---- Respondent

And

MCRC No. 4731 Of 2017

- Ramfal Kashyap S/o Late Ramji Kashyap Aged About 40
Years R/o Village Podikala, Takhatpur, Tahsil & Police Station
Takhatpur, District Bilaspur, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through Station House Officer, Police
Station Takhatpur, District Bilaspur, Chhattisgarh.

---- Respondent

For respective
Applicants

Shri Sandeep Shrivastava & Shri Amit
Singh, Advocates

For Respondent/State

Shri Adiraj Surana, Dy. Govt. Adv.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

21/11/2017

1. Heard.
2. The applicants have preferred these applications filed under Section 439 of the Cr.P.C. for grant of regular bail as they are arrested in connection with crime No.36/2014 registered in Police Station Takhatpur, District Bilaspur, for offence punishable under Sections 420, 409, 467, 468 and 201/34 of the Indian Penal Code.
3. The applicants and other accused persons, all office bearers of Gram Panchayat Podikala and Sanwadabra along with Post Master Siltara have allegedly made excess payment to the labourers for one week by showing the labourers to have worked for 4 weeks whereas, in fact, they have worked for only 3 weeks. In the report conducted by the joint team of CEO, Janpad Panchaya team of CEO, Janpad Panchayat, Takhatpur; SDO, RES, Takhatpur; the Programme Officer, MGNREGA, Janpad Panchayat, Takhatpur; Sub Engineer, Janpad Panchayat, Takhatpur and Technical Assistant, Janpad Panchayat, Takhatpur, a finding has been recorded that the applicants and Post Master Siltara Chandan Das Vaishnav are mainly responsible for embezzlement along with Sarpanch, Secretary and Rojgar Assistant, who failed to properly supervise the work.

4. Considering the fact that Post Master Chandan Das Vaishnav has already been released on anticipatory bail in MCRC(A) No.256/2014; similarly placed co-accused Thanuram Jaiswal has been allowed regular bail in M.Cr.C.No.1939/2017, the applicants are in jail since 17.1.2017; the offences are triable by the Judicial Magistrate First Class and the charge sheet has already been filed, this Court is inclined to release the applicants on bail. Accordingly, both the applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Judge
Prashant Kumar Mishra

Gowri