

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5635 of 2017

- Jeevan Lal Dewangan S/o Late Jagdish Dewangan, Aged About 39 Years R/o Village Thelkadih, P.S. & Tehsil Khairagarh, District Rajnandgaon, Chhattisgarh
--- **Petitioner**

Versus

- State of Chhattisgarh through The Police Station Khairagarh, District Rajnandgaon, Chhattisgarh
--- **Respondent**

For the applicant	:	Mr. Rakesh Pandey, Advocate
For the Respondent	:	Mr. Suryakant Mishra, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.11.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 234 of 2017 registered at P.S. Khairagarh, Distt. Rajnandgaon (C.G) for the offence punishable under Sections 409 and 420 of IPC.
2. As per the prosecution case, the present applicant who is the Sarpanch of Gram Panchayat has withdrawn different amounts i.e., Rs.3,56,800/- for construction of commercial complex, Rs.1,60,000/- for construction of Cement Concrete Road and Rs.1,77,000/- for construction of permanent bank and bathing stairs at the Pond, but on physical verification neither the material was found on the construction site nor the above works have been completed, thereby the total sum of Rs.6,93,867/- was misappropriated by the applicant and others.
3. Learned counsel for the applicant submits that the

documents of Gram Panchayat would reveal that because of drought and paucity of drinking water the works could not be started whereas the building material worth Rs.6,70,000/- was purchased by the applicant and thereafter on the pressure of Janpad Panchayat and Jila Panchayat, the entire building material was required to be diverted for construction of permanent lavatory and bath rooms, which have been constructed as per the Policy of the Government, therefore, no offence has been committed. He further submits that the applicant is in jail since 15.08.2017 and the charge sheet has been filed, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the case diary as also the copy of resolution of the Gram Panchayat which is filed along-with the petition. Taking into consideration the resolution of Panchayat and the nature of allegations levelled against the applicant as also the fact that the charge sheet has been filed and the applicant is in jail since 15.08.2017, I am inclined to allow this bail application.
6. Accordingly, this application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**