

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6022 of 2017

- Vinod Patel S/o Ballu Patel, Aged About 26 Years, R/o Village Kumharouli, Police Station Lalpur, Tahsil Lormi, District Mungeli, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Lalpur, Tahsil Lormi, District Mungeli, Chhattisgarh.

---- Non-applicant

For Applicant – Smt. Kiran Jain, Advocate.

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-11-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for grant of regular bail. The applicant has been arrested on 16-08-2017 in connection with Crime No.143/2017 registered at P.S. Lalpur, District Mungeli, C.G. for the offence under Section 420, 409 and 34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The case against the applicant has been investigated and charge sheet has been filed. No case is made out against the applicant on the basis of prosecution case and there is no evidence to show that any of the amount defalcated has been received by the applicant. Hence, for these reasons it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made in this respect. It is submitted that the applicant had played a role in inducing beneficiaries of Rojgar Guaranty Yojana by taking thumb impression on the records and receiving their ATM cards and thereafter by misuse of the ATM cards has withdrawn the amount deposited and

defalcated the amount which was to be paid to the labourers/beneficiaries. Hence, looking to the evidence against the applicant, he is not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. It is alleged that the applicant played a role in getting thumb impression of the beneficiaries and received their ATM cards which was used to withdraw the amount deposited. This allegation is proposed to be proved only on the basis of statement of the witnesses who were the beneficiaries of that scheme. Considering the case in totality and considering that the applicant is resident of District Mungeli and trial is likely to take some time for its conclusion, I am of this view that it would not serve any purpose if the applicant is kept in detention for whole period of the trial. Hence, for these reasons the applicant is entitled for grant of bail.

6. Consequently, the application (MCRC No.6022/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

7. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge