

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6028 of 2017**

Mukesh Mandavi, S/o. Ramvilas Mandavi, aged about 30 years, R/o. Village-Peti, Outpost- Jalbandha, P.S. & Tahsil – Khairagarh, District – Rajnandgaon (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station - Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rakesh Pandey, Advocate

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**07/11/2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.126/2017, registered at Police Station – Khairagarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 409 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case, after investigation charge-sheet has been filed in this case and there is no evidence on the basis of which any case can be made out against the applicant. It is

submitted that the applicant has defalcated the amount of Rs.3,28,030/-, which in-fact was never deposited in the post office bank of Gataparkala. On receiving complaint about non-disbursement of amount to the beneficiaries, the C.E.O., Janpad Panchayat gave false information to the police that amount was defalcated by the applicant and some amount was deposited in the post office bank soon after on 16.05.2017 and the same was deposited in account of the beneficiaries, therefore, the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that as per the evidence collected in the investigation, the amount was received but not distributed by the applicant to the beneficiaries. Hence, misappropriation was committed by the applicant. It was failure of the applicant to deposit the allotment in the post office bank, CEO, Janpad Panchayat was compelled to get a re-sanction and deposit the amount, so that it could reach to the beneficiaries, hence prayed that applicant is not entitled for grant of bail.
4. Counsel for the applicant places reliance on the document Annexure A/4, which is a letter issued by the Sub-Post Master, Ghumka under the jurisdiction of Post Office Bank Gataparkala is situated, it is certified that amount of Rs.3,28,030/- was never given to the applicant for deposit, all the deposit that were given their list is attached.
5. In reply counsel for the respondent/State submits that amount of Rs.3,28,030/- was part of amount of Rs.20.00 lakhs disbursed for distribution to the beneficiaries, hence this document is of no consequence.

6. I have heard the learned counsel for both the parties and perused the case diary.
7. Considered the submission made and the contents of the case diary and further taking into consideration this fact that the applicant is a public servant, whose availability for trial shall not be compromised, if he is released on bail, he is in jail since 21.05.2017 and no purpose would be served, if the, applicant is kept in detention for the whole period of trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge