

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7244 of 2017**

- Dashrath Lal Dewangan S/o Punram Dewangan Aged About 41 Years R/o Ward No. 8, Sevtapara, Dongargarh, Police Station And Tahsil Dongargaon, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Khairagarh, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	:	Shri Abhishek Sharma, Advocate
For Respondent-State	:	Shri Ramakant Pandey, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****22/11/2017**

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, 34 of IPC.
2. As per the prosecution case, the applicant, who is the Secretary of Gram Panchayat along with others has withdrawn different amounts i.e., Rs.3,56,800/- for construction of commercial complex, Rs.1,60,000/- for construction of Cement Concrete Road and Rs.1,77,000/- for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 applicant and others.

3. Learned counsel for the applicant submits that the only allegation against the applicant is that he has not informed to the higher authorities about misappropriation committed by the main accused i.e. the Sarpanch and there is no material available against the present applicant in the audit report. He further submits that the co-accused has been granted bail by this Court in M.Cr.C. No.5635/2017 and the applicant is in jail since 24.10.2017 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, the nature of allegations leveled against the applicant as also the fact that the charge sheet has been filed and the co-accused has been enlarged on bail and the applicant is in jail since 24.10.2017, 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.

Sd/-

Goutam Bhaduri
Judge

Ashu