

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6599 of 2017

- Kanhaiyalal Sahu S/o Late Shri Mohanlal Sahu, Aged About 55 Years, R/o Amatalab Road, Dhamtari, Tehsil and District Dhamtari Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through the Police Station Arjuni, Dhamtari Chhattisgarh.

---- Non-applicant

And

MCRC No. 7601 of 2017

- Gokul Ram Sahu S/o Late Mohan Ram Sahu, Aged About 50 Years, R/o Village Kurra, Police Station Bhakhara, Civil and Revenue District Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Arjuni, District Dhamtari, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Uttam Pandey, Advocate (in MCRC No.6599/2017),
Shri Adil Minhaj, Advocate (in MCRC No.7601/2017).
For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

12-12-2017

1. As both these MCRC arise out of the same crime number, they are being decided by this common order.
2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court by the applicants for grant of regular bail. The applicants have been arrested on 05-09-2017 in connection with Crime No.223/2017 registered at P.S. Arjuni, District Dhamtari, C.G. for the offence under Section 409, 467, 468, 470, 471, 420, 120-B, 34 of the IPC.

3. It is submitted on behalf of the applicants that both the applicants have been falsely implicated in this case. The allegation that the applicants have misappropriated the government fund which was allotted to distribute as scholarship to the students and that documents were forged to draw excess funds showing the number of students and hostel residence in excess is totally false. The recipients of the scholarship, the students, have received the scholarship directly in their bank accounts, hence, there had been no such occasion available to the applicants to be entrusted with the amount meant for scholarship and to do the said misappropriation. Hence, it is prayed that the applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications and submission made in this respect. It is submitted that applicant Kanhaiyalal Sahu, in-charge of management of institution Horticulture College Potiyadih and the Principal of the institution Gokul Ram Sahu, both prepared forged documents showing the number of students in excess for getting allotment of scholarship in excess to the actual figures and then after receiving the same, the scholarship was not distributed to the students, thus, the offence of forgery, misappropriation and breach of trust has been committed by the applicants. It is further submitted that a huge amount has been defalcated by the applicants, hence, they are not entitled for grant of regular bail.

5. Heard learned counsel for the parties and perused the case diary.

6. Brief facts of the case are these that a complaint was received by the Collector given by the students of Horticulture College Potiyadih praying that they have not received the scholarship. An enquiry committee was constituted. On conducting enquiry with respect to K.L.

Horticulture College Potiyadih, the forgery of documents showing the students in excess was found and further it was found that the fund for scholarship was received by the college and withdrawn without the authority of the beneficiaries, the students, and was misappropriated by the college authorities. Hence, on this ground, the FIR was lodged against the applicants. The case has been investigated and charge sheet has been filed against the applicants.

7. Considered on the submissions made and the contents of the case diary.

8. Although there are grounds for prosecution of the applicants, but the other relevant considerations for grant of bail are these that the applicants are local residents, there is no likelihood of their absconding, their presence before the trial Court can be secured by imposing suitable condition, the trial of the case is likely to take some time before its conclusion, no useful purpose would be served if the applicants are continuously kept in detention till conclusion of the trial, hence, for these reasons both the applications deserve to be allowed.

9. Consequently, the applications (MCRC No.6599/2017 and MCRC No.7601/2017) filed under Section 439 of the Cr.P.C. by the applicants are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge