

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8543 of 2016

Khemendra Joshi, S/o. Shri J.P. Joshi, aged about 30 years, R/o. Brijraj Nagar, P.S. - Parpa, Jagdalpur, Revenue and Civil District – Bastar (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Police Station – Kondagaon, District – Kondagaon (C.G.)

---- Respondent

For Applicant	:	Mr. Y.C. Sharma, Advocate with Mr. Varun Sharma, Advocate
For Respondent	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

09/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.329/2014 (wrongly mentioned as 339/2014 in the impugned order dated 15.12.2016), registered at Police Station- Kondagaon, District – Kondagaon (C.G.) for the offence punishable under Section 420, 409, 120-B and 34 of Indian Penal Code.
2. Case of the prosecution in brief is that the applicant, who was the President of the NGO i.e. Sajal Shradha Seva Sansthan, Jagdalpur was granted work to execute the work of MNREGA by the State and without executing the entire work an amount of Rs.1,86,62,000/- was withdrawn though the total work to that extent was not done whereas the work of Rs.65,00,000/- was done.
3. Learned counsel for the applicant submits that the entire work was done which was certified by the then C.E.O. and also approved by the Collector and on that basis the payment was made. He further submits

that similarly placed co-accused – Christaiya Jhadi has been enlarged on bail by this Court in M.Cr.C. No.7412/2016 vide order dated 05.01.2016. Therefore, the counsel prays that the applicant may also be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that similarly placed co-accused has been enlarged on bail.
5. Having regard to the fact that the charge-sheet in this case has been filed wherein voluminous documents are available which are documentary in nature. Considering facts and circumstance of the case, the offence is triable by the JMFC and further considering the fact that similarly placed co-accused has been enlarged on bail, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge