

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2375 of 2017

Anil Sharma S/o Shri Lal Ji Sharma, Aged About 43 Years R/o B. M. 145, Nehru Nagar Bhopal, Madhya Pradesh, Present Address Through Shrishti Institute And Technology, Gandhi Chowk, Tilda, Tehsil And District Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Mahasamund, District Mahasamund Chhattisgarh

---- Respondent

For Applicant	:	Shri Kishore Bhaduri, Advocate.
For Respondent / State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

13/06/2017

1. The instant bail application has been filed under Section 439 of CrPC in connection with Crime No.78/2016 registered at police station – Mahasamund, C.G. for the offences punishable under Sections 420, 467, 468, 471, 409/34 of IPC.
2. As per the prosecution case, on 28/02/2016, a report was made that in the year 2014, present applicant, who was running NGO in District – Mahasamund, during the period from 2009 to 2011, on behalf of NGO, is said to have availed certain monetary benefits by raising forged bills in respect of conducting certain training which was provided for tribal women. Subsequently, when the irregularities were detected, complaint was lodged, on the basis of which, case has been registered.
3. Shri Bhaduri, counsel appearing for the applicant submits that the case of the present applicant is identical to the case of one Rajendra Chandrakar who has been granted bail by the co-ordinate Bench in MCrC No.1646/2017 vide order dated 23/03/2017. He submits that the nature of allegations levelled against the present applicant is also similar and therefore, the present applicant

may also be granted benefit of being released on bail. He further submits that the present applicant is in jail since 03/02/2017 and charge sheet has also been filed on 26/04/2017 and as such, there is no further requirement of custodial interrogation of the present applicant. Learned counsel for the applicant has produced a document dated 01/06/2017 before this Court which was taken on record, which shows that the alleged amount which is said to have been misappropriated and misused has been subsequently deposited with the Assistant Commissioner, Tribal Development Department, Mahasamund on 06/05/2017 itself.

4. State counsel, however, opposes bail application and further submits that so far as deposit of cheque and amount is concerned, the same has been found subsequent to the filing of charge sheet and also subsequent to filing of bail application and as such, this fact has not come up during investigation.

5. Considering the facts and circumstances of the case, particularly when two other co-accused namely Rajendra Chandrakar and one Sunita have already been granted bail by this Court, the case of the applicant also being similar, in the opinion of this Court, present applicant is also entitled to be released on bail.

6. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(P. Sam Koshy)
V. JUDGE