

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 441 of 2018**

Hari Kirtan S/o Budharuram Kaushik Aged About 29 Years Date Entry Operator, Janpad Panchayat Saja Permanent Address Village Gonchhiya, Police Station Kawardha, Tahsil Kawardha, District- Kabirdham Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, District Kabirdham Chhattisgrh.

---- Respondent

For the Applicant	:	Shri Manoj Kumar Dubey, Advocate.
For the Respondent/State	:	Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.02.2018**

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.457 of 2017, registered at Police Station Kotwali, District – Kabirdham, Chhattisgarh for the offence punishable under Sections 420, 409, 467, 468 and 471 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 17.11.2017 and he has been falsely implicated in this case. The applicant was employed as Data Entry Operator in Gram Panchayat, Saja. He had simply made entries on the instructions and on the information received from the other persons concerned of the Gram Panchayat. No

case is made out against the applicant on the basis of the material placed before the Court by the prosecution. After completion of investigation, the charge-sheet has been filed. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is a direct allegation against the applicant that by misusing the position of the Data Entry Operator, he has prepared forged muster roll relating to the persons employed for labour work and has transferred the money by way of remuneration for labour work. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. CEO, Janpad Panchayat, Saja – Anand Ram gave a written complaint in P.S. Kotwali, District Kabirdham that on the basis of a complaint made to the Collector, Kawardha an enquiry was made, in which it was found that forged job card, muster roll etc showing the details of the labourers employed on the project under MGNREGA was prepared and the amount was withdrawn from the State exchequer and deposited in the bank accounts of the said employed labourers. Some of them happened to be the relatives of the applicant. A defalcation of Rs.36,102/- is reported to have been made by this applicant. Hence, this case.

6. Taking into consideration the facts and circumstances of the case, the applicant is a local resident of District Kabirdham and there shall be no difficulty in his availability during trial and the trial of the case is likely to take some time for its final disposal, the application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge