

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8137 of 2017**

1. Shambhu, S/o. Santram Sahu, Aged About 35 Years,
 2. Narsingh, S/o. Manthir Yadav, Aged About 28 Years,
- Both are R/o. Village Gadadih, Tahsil -Saja, Police Station -Perpodi,
District- Bemetara, Chhattisgarh.

---- Applicants**Versus**

The State Of Chhattisgarh, Through : The Station House Officer, Police
Station Perpodi, District- Bemetara, Chhattisgarh.

---- Respondent

For Applicants	: Mr. P.P. Sahu, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****07/03/2018**

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 applicants, who have been arrested in connection with Crime No.62/2017, registered at Police Station –Perpodi, District – Bemetara (C.G.) for the offence punishable under Section 409, 429, 467, 471, 120-B, 34 of the Indian Penal Code and Section 4, 6, of Krishi Pashu Parirakshan Adhiniyam & Section 11 of Pashu Krurta Ka Nivaran Adhiniyam.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in

jail since 22.08.2017 and 26.08.2017 respectively. Applicants were employed as labours in Fulchand Goushala in village- Godmarra they have been falsely shown as treasurer and joint secretary of the said Goushala. No offence is made out against them on the basis of the material present in the charge-sheet, therefore, they may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicants are the office bearers of the said Goshala, who have committed the offence of defalcation at the huge scale. Therefore, the applicants are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Deputy Director, Veterinary Services, Bemetara has lodged FIR alleging that Fulchand Goushala situated in Village-Godmarra was given a grant of Rs.50.00 lakhs by the State government. The said grant was not utilized for taking care of the cattle and other domestic animals kept in the Goushala and the same has been embezzled by the office bearers of the said Goushala and on the basis of the same, the case has been registered against the applicants.
6. Considered the submissions made and the contents of the case diary. As the charge-sheet in this case has been filed before the concerned Court and the trial against this applicants is likely to take some time for its conclusion, applicants are local resident of District – Bemetara, whose availability before the trial Court shall not be compromised, if they are released on bail, and no purpose would be served, if the,

applicants are kept in detention till the conclusion of trial, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram