

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.981 of 2017

- Devnarayan S/o Late Shri Sarju Lal Kuldeep, Aged About 36 Years By Caste-Gada, R/o Village Dhansir, Thana Saliha, Tahsil Bilaigarh, Civil & Revenue District Balodabazar Bhatapara Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Saliha, Civil & Revenue District Mahasamund Chhattisgarh

---- Respondent

Shri Sunil Sahu, counsel for applicant.
Shri D. R. Minz, Dy.GA for State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/01/2018

Heard.

2. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.56/2017, registered at Police Station–Saliha, District Balodabazar-Bhatapara for alleged commission of offence under Sections 420/34 of IPC.

3. Case of the prosecution is that the applicant and co-accused collected money from the beneficiaries of Prime Minister Awas Yojna.

4. Learned counsel for the applicant submits that allegation against the applicant are false and statement of all beneficiaries have been recorded by the police during investigation, by which, they are trying to falsely implicate the applicant. He submits that the complainant did not lodge any report but the report was lodged by the Secretary of the Gram Panchayat. He also submits that the applicant is ready and willing to deposit the amount wherever directed by the Court.

5. On the other hand, learned State counsel submits that as many as six beneficiaries have made allegations against the present applicant and the applicant collected money from the beneficiaries in the name of getting loan case

sanctioned and cleared. He submits that other accused-Panchas who are similarly situated as the applicant, were granted regular bail.

6. Taking into consideration the submission of learned counsel for the parties, I am not inclined to protect the applicant.

7. Accordingly, the application is rejected. However, considering that other co-accused, who are similarly situated, have been granted regular bail, if the applicant would surrender and apply for grant of regular bail before the Court below, the same shall be considered and decided within three days.

SD/-
(Manindra Mohan Shrivastava)
Judge