

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7826 of 2017

1. Shailendra Kumar Patel S/o Shri Babulal Patel Aged About 34 Years R/o Village Kumhari, Thana Gidhouri, Tahsil Kasdol, Civil And Revenue District Balodabajar Bhatapara Chhattisgarh., Chhattisgarh
2. Ajay Sahu S/o Shri Krishna Kumar Sahu, Aged About 35 Years R/o Village Kumhari, Thana Gidhouri, Tahsil Kasdol, Civil And Revenue District Balodabajar Bhatapara Chhattisgarh.
3. Pyarelal Patel S/o Shri Santram Patel, Aged About 40 Years R/o Village Kumhari, Thana Gidhouri, Tahsil Kasdol, Civil And Revenue District Balodabajar Bhatapara Chhattisgarh.
4. Shatruhan Pradhan S/o Shri Hukumal Pradhan Aged About 36 Years R/o Village Kumhari, Thana Gidhouri, Tahsil Kasdol, Civil And Revenue District Balodabajar Bhatapara Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gidhouri, Civil And Revenue District Balodabajar Bhatapara Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

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 applicants who have been arrested in connection with Crime No. 150/2017, registered at Police Station- Gidhouri, District – Balodabajar(C.G.) for the offence punishable under Sections 420, 467, 468 & 471 of Indian Penal Code (for short 'IPC').

2. Learned counsel for the applicants submits that the applicant have falsely been implicated in this case without there being any evidence against them. He further submits that consequent to order dated 28.2.2016 passed in WPCR No.110/2016, the police registered FIR against these applicants without making any inquiry. Applicants have simply followed the instructions of the then Sarpanch in realizing the royalty from the limestone mines situated within the jurisdiction of their panchayat and have submitted the receipt books and amount so received to the panchayat. As such, no offence is made out against them. Hence, it is prayed that they may be released on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that total Rs.1,27,400/- was illegally collected by the applicants by way of royalty and the same has been misappropriated by them, hence, they are not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. Complainant Har Bai has filed a written complaint alleging in it that without approval of any proposal from the Gram Panchayat and in absence of the Sarpanch, applicants used forged seal and receipt books to realize royalty from the miners to the tune of Rs.1,27,400/- and on that basis FIR has been registered.
6. Considered.
7. On perusal of entire material in the case diary and considering the fact that the charge-sheet against these applicants has been filed and the trial against them is likely to take some time for its conclusion, I am of this view that this is a fit case where applicants should be enlarged on regular bail.

8. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha