

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3626 of 2018

- Awadhram Sidar S/o Milan Prasad Aged About 31 Years Caste- Gond, R/o- Village Kotmi, Police Station And Tahsil Dabhara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Dabhra, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Deepak Kumar Singh, Advocate.
For Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.
For Objector	:	Mr. B.M. Roy, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/07/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.202/2017, registered at Police Station-Dabhra, District-Janjgir-Champa(C.G.) for the offence punishable under Sections 420, 467, 468 & 471 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out

against him. Applicant is elected Sarpanch of Gram Panchayat, Kotmi. False allegation has been made against him because of political rivalry by the Kamal Kishore Khunte who is the husband of an elected Panch. Applicant is in jail since 27.4.2018 and the trial is likely to take some time before its conclusion. Hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that according to the investigation made, there is clear evidence against this applicant regarding defalcation and financial irregularities committed during his tenure, hence, he is not entitled for grant of bail.
4. Learned counsel for Objector adopting the arguments submitted by the counsel for State and submitted that after registration of crime, the applicant was absconding for a period of ten months and only after rejection of his application for grant of anticipatory bail, he has surrendered before the police authorities. Thus, looking to the evidence available against him, he is not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. According to prosecution case, the applicant in his capacity as Sarpanch of Gram Panchayat, Kotmi, made use of fake bills and issued cheques for payment towards purchase of water supply equipments without following the norms and rules of the Store Purchase Rules and thereby defalcated and embezzled an amount of Rs.15,66,220/- because of which CEO, Zila Panchayat has lodged FIR against the applicant. The defalcation on the part of the applicant has been found proved in an enquiry committed by the Special Enquiry

Committee. Hence, this case.

7. Considered on all the aspects of the case, in particular the fact that the trial in this case will take considerable time for its conclusion and that no fruitful purpose would be served in keeping the applicant in jail till conclusion of trial, but without commenting on the merits of case, I am of this view that present is a fit case where the applicant should be granted regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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