

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4351 of 2018

- Awadh Kishore S/o Shri H.R. Kishore Aged About 57 Years Posted As Assistant Engineer, Janpad Panchayat, Lohandiguda, District- Bastar, R/o- Khamardih, Near Shankar Nagar, Raipur, Tehsil And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Mainpur, District- Gariyabandh., District : Gariyabandh, Chhattisgarh

---- Respondent -

For Applicant	:	Mr. Chakresh Tiwari, Advocate.
For Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/07/2018

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.14/2010 registered at Police Station- Mainpur, District – Gariyabandh(C.G.) for the offence punishable under Sections 409, 420, 467, 468 & 471/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 15.5.2018 after he has surrendered before the concerned Court. The case is presently before the trial Court and the trial is likely to take considerable time before its conclusion, as some of the other accused

are still absconding. Hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant had been one of the major beneficiaries of the defalcation and it is alleged that he has misappropriated in total amount of Rs.89.10 lakh from the concerned project, hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, on the basis of the complaint received, an Inquiry Committee was constituted by Zila Panchayat, Raipur, which conducted an inquiry and found that financial irregularities were committed in 9 projects of road construction in the year 2007-08 in Mainpur block. As per report, this applicant along with 8 other co-accused persons were involved in the defalcation total amount of Rs.2,08,18,000/-. The charge-sheet was filed in the year 2012. Hence, this case.
6. Presently the charge-sheet is before the trial Court and the trial is likely to take some considerable time before its conclusion, for this reason, I am of this view that this is a fit case where applicant should be benefited with grant of bail.
7. 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

Nisha