

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5229 of 2018**

Sumer Singh Nagesh son of Roopying Nagesh, Aged About 70 Years
Resident Of Gram Urmal, P. S. Devbhog, Tehsil And District
Gariyaband, CG

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Devbhog, District
Gariyaband, CG

---- Respondent

MCRC No. 5734 of 2018

Hardayal Singh Nagesh S/o Prahalad Singh Aged About 43 Years R/o-
Village- Matiya, Post Office And Police Station- Devbhog, District-
Gariyaband, CG

---- Applicant

Versus

State Of Chhattisgarh Through- The Station House Officer, Police
Station- Devbhog, District- Gariyaband, CG

---- Respondent

Mr. Maneesh Thakur Adv. for applicant Sumer Singh Nagesh.
Mr. Shivendu Pandya, Adv. for applicant Hardayal Singh Nagesh.
Mr. Sangharsh Pandey, Dy. Govt. Adv. for the State.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****20-8-2018**

1. As MCRC No. 5229/2018 and MCRC No. 5734/2018 arise out of the same crime number of same police station, they are being disposed of by this common order.
2. These are first bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
3. The applicants have been arrested on 26-10-2017 in connection with Crime No. 220/2016 registered in police station Devbhog, Distt. Gariyaband (CG) for offence punishable under Sections 420, 409, 423, 467, 468, 471 and 120B of the Indian Penal Code.
4. Prosecution story in brief is that the applicants, co-accused Bhuneshwar Sonwani, Praveen Kumar, Baliram Nagesh and Dileshwar who were the officials of Aadim Jati Sewa Sahkari Samiti,

Urmal, committed fake purchase of paddy, sub-standard paddy, fabricated the records and caused damage of Rs. 1,20,18,156/- to the Samiti.

5. Counsel for the applicants submit that co-accused Dileshwar Nagesh and Bhuneshwar Sonwani have been granted bail by the coordinate bench of this Court, thus they are also entitled for grant of bail. It is submitted on behalf of applicant Hardayal Singh that specific allegation against applicant Hardayal Singh is that he had issued purchase weighing documents and committed defalcation of Rs. 3,16,800/-.
6. On the other hand, learned Govt. Adv. opposed the bail applications.
7. As regards applicant Hardayal Singh, his case is not more severe then the case of co-accused Dileshwar Nagesh and Bhuneshwar Sonwani who are enlarged on bail by the coordinate bench of this Court. Thus, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to applicant **Hardayal Singh Nagesh**. Consequently, the MCRC No. 5734/2018 is allowed. It is ordered that if the applicant Hardayal Singh Nagesh furnishes one solvent surety for a sum of Rs. 50,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.
8. As regards applicant **Sumer Singh Nagesh**, looking to the role assigned to him, he was the chairman of the Samiti, his role is totally different from other co-accused persons including Hardayal Singh Nagesh, Bhuneshwar Sonwani and Dileshwar, he had defalcated Rs. 41,92,927/-, this Court is not inclined to grant bail to applicant Sumer Singh.
9. Consequently, MCRC No. 5229/2018 is dismissed.
10. C.c. as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge