

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6941 of 2018**

Vallabh Pandey, S/o. Girish Chand Pandey, Aged About 30 Years, R/o. 67/1F,
Tilak Nagar, Allapur, Allahabad, P. S. Jarj, District Allahabad U. P.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Dongargarh, District Rajnandgaon Chhattisgarh.

----- Respondent

For Applicant : Mr. G.S. Ahluwalia, Advocate
For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/10/2018**

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.158/2017, registered at Police Station- Dongargaon, District – Rajnandgaon (C.G.) for the offence punishable under Section 420, 467, 468, 471 & 120-B of the Indian Penal Code. The first bail application of the applicant was decided on merits and rejected. The second bail application was dismissed as withdrawn.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since more than one year and the trial against him is proceeding very slow and so far only

five out of 126 witnesses in the prosecution list have been examined. Hence, looking to the delay in trial, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that earlier application for grant of bail has been rejected by this Court on merits and this applicant is the recipient of the huge amount of defalcation and is the beneficiaries of the amount collected in the fake scheme projected and propagated by him through other accused persons. Hence, he is not entitled to be released on bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The allegation against this applicant is this that he started a scheme under Pt. Deendayal Upadhyay Shiksha Karyakram with the help of co-accused persons and by giving inducement, he made collection of fees from the students and thus has made huge collection. The said scheme launched by the applicant was fake one. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, without going into the merits of this case as the earlier bail application has been decided on merits and for the reason that there is likelihood of the trial getting delayed looking to the number of witnesses to be examined in this case. Hence, for this reason I feel inclined to allow this application on the ground of delay.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

8. 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 two local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram