

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.7214 of 2018**

Mahendra Shrivastava, son of late Udhoprasad Shrivastava, aged about 49 years, R/o Village Khadi, P.S. Salhewara, Tahsil Chhuikhadan, District Rajnandgaon (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Salhewara, District Rajnandgaon (CG).

---- Non-applicant

For Applicant : Mr. Rajnish Singh Baghel, Advocate.

For Non-applicant : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****02.11.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.25/2018 registered in Police Station Salhewara, District Rajnandgaon for the offence punishable under Sections 420 & 406 of Indian Penal Code.
3. Prosecution story in brief is that the applicant obtained a sum of Rs.11,96,000/- from beneficiaries of village Salhewara for construction of house in favour of them. The amount was sanctioned for construction the house under Pradhan Mantri Aawas Yojna by Central Government. The applicant did not complete the said construction work after receiving the said amount from the beneficiaries.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the prayer for grant of bail to the applicant. He further submitted that previously three criminal cases, out of which, two cases under the IPC and one case under the Gambling Act have already been registered against the applicant.
6. I have heard counsel for the parties and perused the case diary with

utmost circumspection.

7. As per affidavits of the beneficiaries Samaroo, Chaitram, Chaituram, Barmu and Beehari, the applicant is constructing the houses and they have no grievance against the applicant.
8. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant.
9. Accordingly, the present bail application filed under Section 439 of the CrPC is allowed.
10. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.50,000/- each along with a personal bond in the sum of Rs.1,00,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.
11. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

L/-