

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 16 of 2019**

Kejuram Dhruw, S/o Shri Chainuram Dhurw, aged about 42 years, R/o Semarchuwa, Police Station Jarhagaon, District Mungeli (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Jarhagaon, District Mungeli (CG).

---- Non-applicant

For Applicant	: Mr. G.L. Uike, Advocate.
For Non-applicant	: Mr. I. Lakra, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

23.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.162/2018 registered at Police Station Jarhagaon, District Mungeli for the offence punishable under Sections 406, 420 of Indian Penal Code.
3. Case of the prosecution, in brief is that the first installment of Rs.96,000/- were sanctioned in favour of the applicant to construct the house under Pradhan Mantri Avas Yojna by which some work was done in the house and, thereafter, the second installment was sanctioned in favour of him of Rs.48,000/- for the said work, but the applicant used the said amount for his personal work.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. He further submits that no criminal antecedent reported against the applicant in police case diary.
6. 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 benefit of Section 439 of the Cr.P.C. to the applicant. Accordingly, the bail application is allowed.

7. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum 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 and he shall not commit any such type of offence in future.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-