

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 588 of 2019**

- Rajendra Kumar Gilhare S/o Shri Lakhan Lal Gilhare Aged About 52 Years Working As A. G. Grade 3 At Office of District Mining Office R/o Near Small Railway Crossing Purena, P. S. Telibandha, Raipur, Civil and Revenue District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Civil Line, Civil and Revenue District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Rajeev Shrivastava, Advocate.
For Respondent/State	: Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**08/02/2019**

1. The Applicant has preferred the first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 620/2018, registered at Police Station – Special Investigation Cell of Police Station – Civil Lines, Raipur, District-Raipur, (C.G.) for the offence punishable under Section 467, 468, 471, 120 (B) of the Indian Penal Code.
2. As per the prosecution story, pursuance to tender issued by Municipal Council, Dongargarh for construction of drainage, work order was issued on 02.09.2013 to the partnership firm i.e. M/s Santosh Agrawal. Applicant Ashutosh Agrawal is the sole working partner of M/s Santosh Agrawal. For executing the said work, Applicant Ashutosh Agrawal entered into an agreement with M/s M.L. Enterprises on 03.10.2013 which was signed by Ashutosh Agrawal on behalf of M/s Santosh Agrawal and also signed by co-accused Mr. Ajay Agrawal on behalf of M/s M.L. Enterprises. Thereafter, an FIR was registered in Police Station Civil Lines, Raipur against the present Applicant and

some other co-accused persons on the ground that royalty slip submitted for the metal which was used in the execution of work order dated 02.09.2013 was forged and by producing the forged royalty slip, a financial loss to the tune of Rs. 16,92,800/- has been caused to the State. On the basis of the above, offence has been registered. It is further alleged that for the execution of work of said Municipal Corporation, grit (*gitti*) was supplied by another co-accused Suresh @ Bunty. Royalty slip was given by the said co-accused Suresh @ Bunty. It is further alleged that Suresh obtained the said royalty slip from the co-accused Ritesh Manikpuri and Ritesh obtained the said royalty slip from other co-accused Sandeep Jain. On being examined, co-accused Sandeep Jain disclosed the fact that he obtained the said royalty slip from the Applicant Rajendra Gilhare, who is a dealing clerk of Mining Branch, Raipur. On the basis of the said background, Applicant has been arrested on 22.11.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that virtually, the Applicant informed the higher Officials about the said forged royalty slip and on the basis of the said, enquiry has been initiated. He further submits that on the basis of the material available on record, there is no any offence made out against the present Applicant. He also states that co-accused persons namely Ashutosh Agrawal, Ritesh Manikpuri, & Ajay Kumar Agrawal have already been granted bail by this Court vide order dated 22/01/2019 passed in MCRC No. 9637 of 2018 and other co-accused person namely Suresh Hotwani has also been granted bail by the Sessions Judge, Raipur. The present Applicant is in custody since 22.11.2018 and trial will take time. Therefore, he may also be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.

6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 22.11.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge