

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2188 of 2019**

1. Brijlal Dhruv, S/o. Shri Mangaturam Dhruv, Aged About 37 Years, Occupation -Ex-Sarpanch of Gram Panchayat Kodapakha, R/o. Village – Kodapakha, Thana Durgukondal, District North Bastar Kanker, Chhattisgarh
2. Manik Lal Kallo, S/o. Late Shri Bidduram Kallo, Aged About 50 Years, By Caste- Gond, Occupation- Secretary Gram Panchayat Kodapakha, R/o Village Sinhari Thana- Durgukondal, District North Bastar Kanker Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer Police Station- Durgu Kondal Civil and Revenue District North Bastar Kanker Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sunil Sahu, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

22/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.07/2015, registered at Police Station –Durgukondal, District – North Bastar, Kanker (C.G.) for the offence punishable under Section 406, 409, 420/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants. The applicants are in jail since 02.12.2018. The charge-sheet in this case has been filed after completion of

investigation and there are 161 witnesses cited to be examined in the trial. Therefore, the trial is likely to take long time. Therefore, it is prayed that the applicants be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is ample evidence against the applicants regarding misappropriation of the fund withdrawn by them, therefore, they are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant No.1 was Sarpanch and applicant No.2 was Secretary of Gram Panchayat Kodapakha. Both these applicants made withdrawal of Rs.11,70,000/- for execution of certain works under MANREGA. None of the works were executed and the payment was made to the labourers only to the extent of Rs.37,000/- and rest of the amount was embezzled by the applicants.
6. Considered on the submissions made and the contents of the case diary. After considering the circumstances of the case, charge-sheet has been filed and the case is pending for trial, which is likely to take long time, the applicant is in jail since 02.12.2018, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram