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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3880 of 2019**

1. Rupendra Choudhary, S/o. Shri Bhaiyalal Choudhary, Aged About 43 Years, R/o. Block Colony, PWD Quarter H-5, Village Bastar, Tehsil Bastar, District Jagdalpur Chhattisgarh.
2. Radhakrishna Mishra, S/o. Shri Bansilal Mishra, Aged About 57 Years, R/o. Quarter No. Q.F.26, DNK Colony, Dharampur, Jagdalpur, Tehsil And District Jagdalpur Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station – Kotwali, Jagdalpur, Chowki- Baster, District Jagdalpur, Chhattisgarh.

---- Respondent**AND****M.CR.C. No. 4574 of 2019**

Balram Chawda, S/o. Heeralal Chawda, Aged About 52 Years, R/o. Village Parchanpal Police Out Post Bastar District Bastar Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Police Out Post Bastar, Police Station Adim Jati Kalyan Thana/Kotwali Jagdalpur, District Bastar Chhattisgarh.

---- Respondent

For Applicants(in M.Cr.C. No.3880/19) : Mr. B.P. Sharma, Advocate with

Mr. M.L. Sakat, Advocate

For Applicant (in M.Cr.C. No.4574/19) : Mr. P.K. Tulsyan, Advocate

For Respondent/State : Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**24/07/2019**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. These are the first bail applications 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.276/2019, registered at Police Station – Adim Jati Kalyan Thana/Kotwali, Jagdalpur, Chowki – Bastar, District – Bastar (C.G.) for the offence punishable under Section 420, 294, 506-B and 120-B of the Indian Penal Code and Section 3 (1) (r) 3 (1) (s) S.T./S.C. (Prevention of Atrocities) Act.
3. It is submitted by the learned counsels for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants. It is submitted that the applicants (in M.Cr.C. No.3880/19) are the officers of Horticulture Department, whereas, the applicant Balram Chawda (in M.Cr.C. No.4574/19) is the supplier of sprinkler material. The FIR has been lodged by the complainant deliberately after passing of about 10 years in the year 2019 making total false allegation. The complainant has himself withdrawn the amount that was sanctioned in his favour as loan and has used the same, however, as the complainant himself facing criminal prosecution under Section 138 of Negotiable Instrument act, therefore, he has falsely implicated these applicants. Therefore, it is prayed that the applicants may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
5. I have heard the learned counsel for both the parties and perused the case diary.

6. According to the prosecution case, a loan of Rs.1,32,000/- was sanctioned in favour of the complainant Tularam Maurya in the year 2019 by the State Bank of India for the scheme of drip irrigation, which was to be supplied, through the applicants, officers of Horticulture Department by applicant Balram Chawda. The loan was withdrawn and utilized. After 9-10 years FIR has been made making allegation that amount of loan sanction so was withdrawn and paid to Balram Chawda despite that he had not supplied the equipments of irrigation in a fraudulent manner.
7. Considered on the submissions made and the contents of the case diary. After considering all the material present in the case diary and for the reason that the case is now pending for trial before the trial Court, therefore, there is no reason to keep the applicants in detention till the completion of trial, 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.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. 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