

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6331 of 2019

- Maheshwar Prasad Sahu, S/o Santosh Kumar Sahu, Aged About 33 Years, R/o Borsi Colony MIG Colony, 74 Durg, District-Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through SHO P. S. Balod, District-Balod Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vijay Kumar Sahu, Advocate.
For Respondent/State	:	Mr. Devendra Pratap Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/11/2019

1. This is the 4th bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.1869 of 2018 was dismissed as withdrawn on 30.4.2018. 2nd bail application MCRC No.6418 of 2018 was against dismissed as withdrawn on 1.10.2018. The 3rd bail applicant of this applicant MCRC No.4307 of 2019 was again dismissed as withdrawn with liberty to file duly constituted application.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.506/2017 registered at Police Station– Balod, District–Balod(C.G.) for the offence punishable under

Sections 420, 34 & 120-B of IPC.

3. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. He is in jail since 22.11.2017. The trial has commenced but so far only 10 witnesses have been examined out of total 113 witnesses, therefore, the applicant is languishing in jail without any fault on his part and the trial is likely to take some time for his final disposal, hence, the applicant be granted regular bail.
4. Learned State counsel opposes the application and submissions made in this respect. It is submitted that this applicant has cheated about more than 100 persons by collecting amount from them on pretext that he will help them in getting loan of Pradhan Mantri Adhar Awas Yojna. The scheme itself was fraudulent, therefore, looking to the number of persons who cheated in this case, this applicant is not entitled for grant of bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to prosecution case, this applicant gave inducement to complainant and others that he can help them for getting loan from Pradhan Mantri Adhar Awas Yojna and against which he received illegal gratification of different amount from the complainant and others, which is in total Rs.8 lakhs. As the complainant and others did not get any loan under the scheme they lodged FIR and in the investigation, it was found that the scheme mentioned by the applicant was fraudulent. Nowhere in existence. Hence, this case.
7. Considering that this applicant is in jail since about 2 years and the trial against him is likely to take some time. Looking to the number of

witnesses that are to be examined in the trial Court, and also that the co-accused persons have been granted bail by this Court, I am of this view that this is a fit case where the application filed by the applicant is deserves to be allowed.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge