

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.8514 of 2018**

Myaram, aged about 26 years, S/o. Mr. Ayaturam, resident of Village Mulmula, P.S. & Tehsil Kondagaon, Dist. Kondagaon (CG)

---Applicant

Versus

State of Chhattisgarh, through the Police Station Kondagaon, Kondagaon (CG)

---Non-Applicant

For Applicant	:	Mr.Raza Ali, Advocate
For Non-applicant	:	Mr.Sumit Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/03/2019

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 applicant who has been arrested in connection with Crime No.223/2014, registered at Police Station-Kondagaon, District-Kondagaon (CG), for the offence punishable under Sections 420, 467, 468, 471 and 409/34 of the IPC.

2. Case of the prosecution, in brief, is that the applicant along with other 14 co-accused persons obtained ₹ 20,15,500/-, but only constructed 85 public toilets and thereby embezzled ₹16,73,750/-.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that similarly situated co-accused persons have been released on bail by the Court of Sessions on 10.11.2014 and since the applicant was absconding and was

only arrested on 22.9.2018, his bail application has been rejected by the Court of Sessions on the ground that he has not co-operated with trial. Charge-sheet has been filed and no useful purpose will be served by detaining him in jail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that bail application of Rupmati Netam, who is President of the society has been rejected by this Court and bail application of Purendra Koushik, who is Secretary of the society has been rejected by the Court of Sessions and the applicant is member of the society.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, considering the fact that other co-accused persons have been released on bail by the Court of Sessions except Rupmati Netam, whose bail application has been rejected by this Court and Purendra Koushik, whose bail application has been rejected by the Court of Sessions, period of detention of the applicant and the fact that charge-sheet has already been filed, this Court is of the opinion that present is a fit case, in which, the applicant 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 the 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/-

(Sanjay K. Agrawal)
JUDGE

B/-