

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9214 of 2018**

Narendra Kumar @ Santosh Kewat, aged about 42 years S/o Ram Sewak Kewat, R/o Village Singhul, P.S. Shivrinarayan, Distt. Janjgir-Champa (C.G.)

--- Applicant

Versus

State of Chhattisgarh, through S.H.O, P.S. Shivrinarayan, Distt. Janjgir-Champa (C.G.)

---- Respondent

For Applicant	:	Mr. Ravindra Sharma, Advocate
For Respondent	:	Mr. Bhaskar Payashi, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

08/01/2019

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 116/2017 registered at Police Station Shivrinarayan, Distt. Janjgir-Champa (C.G.) for the offence punishable under Section 409 of the IPC.
2. As per prosecution story, Sarpanch of Village Singhul namely Dukhram had filed a complaint case before Judicial Magistrate First Class, Pamgarh and the Judicial Magistrate First Class directed Police Station Shivrinarayan to register offence against the Applicant for criminal breach of trust. It is alleged that Applicant who was earlier Sarpanch, had withdrawn an amount of Rs. 6,40,000/- for construction of C.C. Road, Primary School Boundary Wall, cemetery wall etc., and did not construct the same and committed breach of trust. The

Applicant has been arrested on 18/06/2018.

3. Counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that the alleged offence relates to the year 2012-13. After election, the Applicant was charged in the year 2013 and thereafter the present private complaint has been filed by the present Sarpanch. He further submits that the Applicant is in custody since 18/06/2018, charge-sheet has been filed and offence is triable by the Judicial Magistrate First Class, therefore, the Applicant may be released on bail.
4. Counsel appearing on behalf of the State also opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the Applicant is in custody since 18/06/2018, charge-sheet has been filed and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge