

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 447 of 2020**

- Balgovind Kashyap S/o Sukdev Kashyap Aged About 46 Years Caste Bhatra R/o Village Amdiguda Para Bakawand Outpost Bakawand District Bastar Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bakawand District Bastar Chhattisgarh.

---- Respondent

For Applicant. : Mr. Vikas A. Shrivastava, Advocate.
 For Respondent/State : Mr. Anil Tripathi, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.03.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 19/2019 registered at Police Station – Karpawand, District Bastar (C.G.) for the offence punishable under Sections 420, 467, 468, 471 & 34 of the IPC.
2. As per the prosecution case, the allegation against the present applicant is that he along with co-accused person has withdrawn the amount of Rs. 30,000/- from the account of complainant, which was sanctioned to him under the scheme of P.M. Awas Yojana. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further added in his submission that the complainant in his 164 Cr.P.C. statement categorically stated that the applicant has not fraudulently withdrawn the said amount from his Bank Account. He also submits that the other co-accused person namely Dinesh Dewangan has already been granted bail by this Court on 28.11.2019 in MCRC No. 6365/2019. The applicant is in jail since 11.10.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. Per contra, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, particularly, the 164 Cr.P.C. statement of complainant, as the applicant is in jail since 24.04.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu