

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 611 of 2020**

1. Dev Prakash Kashyap S/o Nandlal Aged About 40 Years Occupation Agriculture, R/o Village Rakeli, Police Station Darima, Tehsil Ambikapur, District Surguja, Chhattisgarh.
2. Juglal Ram S/o Pingal Sai Aged About 40 Years Occupation Agriculture, R/o Village Rakeli, Police Station Darima, Tehsil Ambikapur, District Surguja, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Darima, District Surguja, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Nishi Kant Sinha, Adv.
For Respondent/State	:	Ms. Akshara Amit, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13/03/2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 129/2019 registered at Police Station-Darima, District-Surguja (C.G.) for the offence punishable under Sections 420, 34 of the IPC.
2. The prosecution story, in brief is that, on contract of assembling the Bore well and Solar pump under the Government policy and under promise to return Rs. 45,000/- as subsidy amount, the applicants along with one Rajesh Tekam have obtained Rs. 17,56,000/- from the villagers. Thereafter, the work of Bore well was done but solar pump was not assembled and Rs. 45,000/- of subsidy was also not deposited back to the villagers. Based on this, offence has been registered against the present applicants.
3. Learned counsel for the applicants submits that the

applicants are innocent and have been falsely implicated in the crime in question. He further submits that charge-sheet has been filed and the main allegation is against the co-accused Rajesh Tekam. He next submits that the applicants are in jail since 18.10.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.

4. On the other hand, counsel for the State 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, detention period of applicants and further considering the facts that the main allegation is against the co-accused Rajesh Tekam. The applicants are in jail since 18.10.2019 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 applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

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