

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5257 of 2020**

- Sheikh Allauddin @ Gudda Khan S/o Bisaruddin, Aged About 41 Years R/o Village Pacheda, Police Station Khallari, Tahsil Bagbahra, District Mahasamund Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Khallari, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	:	Shri Vikash Pradhan, Advocate
For Respondent	:	Shri Rakesh Sahu, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****25/11/2020**

1. The applicant has preferred this second bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.27/2019, registered at Police Station – Khallari, District Mahasamund (C.G.) for the offence punishable under Sections 409, 420, 467, 468 and 471 IPC.
2. Earlier bail application of the applicant has been dismissed as withdrawn.
3. The allegation against the present applicant is that he committed grave irregularities in construction of Toilets under “Clean India Mission and MANREGA” and embezzled the Government fund of Rs.40,71,000/-. Based on this, offence has been registered. The present applicant has been taken into custody on 16.11.2019.
4. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that the applicant is Deputy Sarpanch of the Gram Panchayat Pacheda and the committee has not found any embezzlement charges against him. He also submits that the alleged offence is triable by Magistrate, the present applicant is in custody since 16.11.2019, the charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

5. On the other hand, learned counsel for the State opposed the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case and further considering the detention period of the applicant, without further commenting on merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge