

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7145 of 2020

- Smt. Molina Mandal W/o Shri Piyush Ghosh Aged About 32 Years By Caste Kayastha, R/o Village Ravindra Palli Pakhanjur, District North Bastar Kanker Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Durgkondal Civil And Revenue District North Bastar Kanker Chhattisgarh

---- Non-applicant

For Applicant : Mr. Sunil Sahu, Advocate.

For Non-applicant/State : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-11-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 17.09.2020 in connection with Crime No.06/2018, registered at Police Station- Durgkondal, District- North-Bastar, Kanker, C.G. for offence punishable under Sections 420, 120-B of I.P.C.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case. The allegations made in the F.I.R. lodged and the investigation made is totally false and baseless. The amount that was received by the applicant's N.G.O. has been properly utilized. It was only because of the things beyond control of the applicant and others that the cattle in their charge had died. The applicant is in jail since 17.09.2020 and investigation is almost complete, therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that it is case of embezzlement of Rs.62.64 Lakh which were received as grant to the N.G.O. of the applicant and others and the

same has been misappropriated and because of this misappropriation, the cattle that were in charge of the N.G.O. had suffered and died. The charge-sheet has been prepared, which is yet to be filed. Hence, it is prayed this application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the applicant and others run one N.G.O. styled as Kamdhenu Gramin Vikash Sansthan, Karramad, District- Kanker, C.G. This N.G.O. takes charge of the stray cattle and looks after their well-being by providing food and fodder and other requirement. It is alleged that this N.G.O. received a grant of Rs.62.64 Lakh from the Government between the year 2012-16, but the same was not utilized for taking proper care and fulfilling food requirements of the cattle in their charge because of which total 46 cattle expired in the year 2016. On the basis of the complaints received, the inquiry was made and the F.I.R. was lodged on 03.02.2018, registering offences against this applicant and the others. Hence, this case.
6. After considering on the submissions and the facts present in the case and looking to this fact that the investigation is now almost complete and there will be delay in holding trial and other procedures and there appears to be no requirement to keep the applicant in detention continuously, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed, on condition as imposed by the concerned Court.
8. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge