

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7714 of 2019**

- Radheshyam Sahu S/o Ramji Sahu Aged About 39 Years, R/o Village Sunderkera, Police Station Gobra Nawapara, District Raipur, Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Gobra Nawapara, District Raipur, Chhattisgarh.

---- Respondent

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| For Applicant        | : | Mr. C. R. Sahu, Adv.   |
| For Respondent/State | : | Mr. Anil Tripathi, PL. |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****09/01/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 388/2019 registered at Police Station-Gobra Nawapara, District-Raipur (C.G.) for the offence punishable under Sections 466, 467 and 468/34 of the IPC.
2. The prosecution story, is that the at Gram Panchayat, Sunderkera, the digging work of Maa Karma Pond was executed from 06.04.2016 to 19.04.2016 and during execution of the said work, the forged muster role regarding the labour work was prepared by the applicant. The complaint to the above effect was made before the Sub-Divisional Officer (Revenue), Abhanpur and the case under Section 40(1) of Panchayat Raj Adhiniyam was registered before the said authority, in which, the final order was passed on 01.07.2019, whereby held that the Sarpanch Sushila Bai and

Secretary Komal Dhruw have committed misappropriation of the panchayat fund. Based on this, offence has been registered against the present applicant and other co-accused persons.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the incident has taken place between 06.04.2016 and 19.04.2016, whereas, applicant was posted on 07.05.2016, in support of which appointment letter is annexed as annexure-A/2 and the inquiry report of the applicant and other co-accused is annexed as annexure-A/4. The applicant is in jail since 07.11.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant 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 applicant and further considering the facts that the offences are triable by Judicial Magistrate First Class. The applicant is in jail since 07.11.2019 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. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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