

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8367 of 2019**

- Lekhram Diwan, S/o Shri Hemant Singh Diwan, Aged About 54 Years, Occupation Sahayak Aantrik Lekha Parikshan Kararopan Adhikari, R/o Village- Telibandha, Police Station- Khallari, District- Mahasamund Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Ms. Deepali Pandey, Adv.
For Respondent/State	: Mr. Vinod Kumar Tekam, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07.02.2020**

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. 457/2019 registered at Police Station- Mahasamund, District- Mahasamund, (C.G.) for the offence punishable under Sections 420, 120-B, 466, 468, 471, 409, 34 of IPC.
2. The prosecution story, in brief is that, on 30.11.2019 the complainant Prakash Chandra has lodged a written report alleging therein that the name of the Kanwal Singh Patel was not mentioned in the waiting list of beneficiaries under the Pradhan Mantri Awas Yojna Gramin, but the name of said Kanwal Singh Patel was approved by the then Sarpanch Aimbai Sahu and Secretary (present applicant) and after physical verification, the list of eligible beneficiary was prepared by the Assistant Internal Account Taxation Officer, in which the name of Kanwal Singh Patel was mentioned and on the basis of said list, the amount was sanctioned in favour

of Kanwal Singh Patel for construction of house to the tune of Rs. 1,20,000/-. Thereafter, offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. She further submits that applicant is a Government Servant. The charge-sheet has already been filed and other co-accused persons have already been granted bail in MCRC Nos. 8155/2019 and 8154/2019. The applicant is in jail since 04.12.2019, 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, and further considering the facts that the charge-sheet has already been filed and other co-accused persons have already been granted bail in MCRC Nos. 8155/2019 and 8154/2019 applicant is in jail since 04.12.2019 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 trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge