

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 964 of 2021

- Ajeet Ram Dehri, S/o Devsai Dehri, aged about 43 Years, Caste - Bhuiya, Resident of Village Karma, Police Station Narayanpur, District Jashpur Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Narayanpur, District Jashpur, Chhattisgarh.

----Non-applicant

MCRC No. 1219 of 2021

- Vinod Ekka, S/o Domnik Ekka, aged about 46 Years, Caste - Uraon, Resident of Village - Sarabkombo, Police Station Narayanpur, District Jashpur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station - Narayanpur, District Jashpur, Chhattisgarh.

----Non-applicant

MCRC No. 1721 of 2021

- Peter Xess, S/o Patras Xess, aged about 48 Years, R/o Village Bachchhraon, Police Station Narayanpur, District Jashpur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Narayanpur, District Jashpur, Chhattisgarh.

---Non-applicant

For Applicants
For State

Shri Manoj Chauhan, Advocate.
Shri Vimlesh Bajpai, Government
Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

19/03/2021

1. As all these applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.79/2020 registered at police station Narayanpur, District Jashpur, C.G. for the offence punishable under Section 420 read with 34 of Indian Penal Code, they are being disposed of by this common order.
2. Case of the prosecution, in brief, is that the Teachers of the Bharat Mata Higher Secondary School, Ramsama, made complaint to the District Education Officer, Jashpur, alleging in it that the present applicants obtained Rs.13,47,000/- from the Teachers of the said school in the name of providing aid from Government. On the basis of the said complaint, the District Education Officer, Jashpur directed the B.E.O. for conducting enquiry and accordingly B.E.O. submitted the report before the D.E.O and on the basis of the same, the FIR was registered against the present applicants.
3. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that the applicants did not fraudulently obtain money from the teacher of Bharat Mata Higher

Secondary School, Ramsama. He submits that the amount provided by the concerned teachers has already been returned to them and after receiving the amount back, the concerned teachers have executed an affidavit in this regard and the co-accused in this case namely Basnat Kumar Ram has already been granted anticipatory bail by the co-ordinate Bench of this Court vide order dated 11.02.2021 in MCRCA No.1673 of 2020. The applicants are in jail since 07.01.2021 & 29.01.2021 respectively, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.

4. On the other hand, learned counsel for the State opposes the bail applications.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of allegations leveled against the applicants, further considering the fact that some of the complainants have already received the amount back from the applicants whereas some of the complainants have filed an application before the Sub-Divisional Officer (Revenue) for recovery of the amount from the committee constituted by the present applicants alongwith other co-accused persons of the villagers, the affidavit of Annexure A-2 executed by some of

the teachers stating that they have received the entire amount back from the applicants and have no objection to their release on bail, the detention period of the applicants, who are 43, 46 & 48 years of age, charge sheet has already been filed, the offence is triable by Magistrate, the fact that the co-accused namely- Basant Kumar Ram has already been granted anticipatory bail by the co-ordinate Bench of this Court vide order dated 11.02.2021 in MCRCA No.1673 of 2020, applicants are the first offenders having no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the applications are allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (i) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall not involve themselves in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh