

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 1996 of 2021

- Smt. Seema Jaiswal, W/o Shri Pawan Kumar Jaiswal, Aged About 28 Years, Occupation-Gram Panchayat Secretary, R/o-Village-Kogwar, Police Station-Raghunath Nagar, Tahsil Wadrafnagar, District-Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh Through The Officer In Charge of Police Station- Raghunath Nagar, District- Balrampur-Ramanujganj, Chhattisgarh.

MCRC No. 1722 of 2021

- Meena Pando, W/o Devsaj Pando Aged About 35 Years, R/o Balangi Police Chowki Balangi Police Station Raghunathnagar, (Wrongly Mentioned As Police Station Balrampur) District Balrampur Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer Police Station Ragunathnagar, District- Balrampur Ramanujganj, District : Balrampur, Chhattisgarh.

---- Non-Applicant

For Applicants	:	Shri Manoj Paranjape alongwith Shri Roop Naik and Shri Sangeet Kumar Kushwaha, Advocates
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

09.06.2021

- 1) Since both these cases arise out of same crime number, they are being disposed of by this common order.

- 2) The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as applicant Smt. Seema Jaiswal was arrested on 2.11.2020 and applicant Meena Pando was arrested on 23.01.2021 in connection with Crime No. 63/2020 registered at Police Station- Raghunath Nagar, District- Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 409, 420, 467, 468, 471, 34 of IPC.
- 3) Case of the prosecution, in brief, is that both the applicants who are Secretary and Sarpanch of the gram panchayat Balangi alongwith Contractor committed embezzlement of Rs. 63,56,650/-
- 4) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that the applicants have no criminal antecedents, chargesheet has already been filed, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, co-accused person has already been granted bail by the co-ordinate Bench of this Court vide order dated 09.04.2021 in MCRC No. 8780 of 2020 and they are in jail since 2.11.2020 and 23.01.2021 and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail applications, however, he submits that the applicants have no criminal antecedent.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicants, who are 28 and 35 years old, they are the first offenders, the fact that charge-sheet has already been filed and the co-accused person has already been released on bail by the co-ordinate Bench of this Court, the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19 situation conclusion of trial

may take some time, therefore, without commenting anything on the merits of the case, the applications are allowed.

7) 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 one surety for the like sum to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-

- (a) 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.
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (d) they shall not involve themselves in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim