

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3199 of 2021

- Uttar Kumar Pradhan, S/o Shri Jagdish Pradhan, aged about 48 years, R/o. Village- Pathrala, Police Station- Basna, Tehsil- Pithora, District- Mahasamund (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through, Station House Officer- Basna, District Mahasamund (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Surfaraj Khan, Advocate
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

09.06.2021

1. The application is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 01.04.2021 in connection with Crime No. 567/2020 registered in Police Station- Basna, District Mahasamund (CG) for the offence punishable under Section 409 read with Section 34 of IPC.
3. Case of the prosecution is that at the relevant time present applicant Uttar Kumar Pradhan was a Secretary and co-accused namely Asim Sona was a Sarpanch of Gram Panchayat, Jagdishpur. In the said period, 210 toilets were sanctioned for construction within gram panchayat area, out of which 158 toilets were constructed. For each toilets a sum of Rs.12,000/- was allotted for the beneficiary to be given as grant. However, the present applicant and co-accused Asim Sona did not pay any amount to any of the beneficiaries thus embezzled a sum of Rs.19 lacs.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He submits that co-accused namely Asim Sona has been granted regular bail by the coordinate bench of this Court vide order dated 05.03.2021 passed in M.Cr.C. No. 646 of 2021. He also submits that

the applicant is in jail since 01.04.2021, charge-sheet has already been filed and conclusion of the trial is likely to take some time, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Considering that the present applicant is in jail since 01.04.2021, charge-sheet has already been filed, conclusion of the trial is likely to take some, the offence is triable by JMFC, and that the co-accused has already been granted regular bail by the coordinate bench of this Court, I am inclined to release the present applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
(Gautam Chourdiya)
Judge