

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6740 of 2021**

- D.R. Jogi S/o Late Shri Kaliram Jogi Aged About 64 Years R/o B-44, Mahaveer Nagar, Mungeli Road, Bilaspur, Police Station Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Pachpedi, District Bilaspur, Chhattisgarh.

---- Respondent

 For Applicant : Shri Shashank Thakur, Advocate
 For Respondent/State : Shri BP Banjare, Dy. Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****25.11.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 17.7.2021 in connection with Crime No.25/2021 registered at Police Station Pachpedi, Distt. Bilaspur (C.G.), for the offence punishable under Sections 420, 120-B & 34 of the Indian Penal Code, 1860 (for short 'IPC').

2. Brief facts of the case are that the applicant who was working as Incharge Chief Executive Officer, Janpad Panchayat, Masturi at the time of the incident, hatched conspiracy with other accused persons and misappropriated Government fund of Rs.7,29,500/-. Based on the above facts, present crime was registered against the applicant and five other accused persons under Sections 420, 120B & 34 of IPC.

3. Learned counsel for the applicant submits that the applicant is innocent, he has not involved in the present crime in any manner. Though he was the incharge of Janpad Panchayat, Masturi at the time of the incident, he had no administrative and financial control over the funds allotted by the Government of India under the 14 Finance Commission. Since he was working on the above post, as

a routine, he signed the notesheet. Learned counsel for the applicant would next submit that the applicant is a retired person, aged about 64 years and is suffering from many diseases. He is in jail since 17.7.2021, charge sheet has been filed against him on 06.10.2021, wherein it is also mentioned that other accused persons are absconding. He is the permanent resident of Distt. Bilaspur, there is no chance of his absconding and considering the above facts, he may be enlarged on bail.

4. On the other hand, learned counsel for the State while opposing the bail application submits that present applicant has played a vital role in the alleged misappropriation of Government fund, because without verifying the work and without following the prescribed procedure, the applicant forwarded the documents regarding payment. Hence, he is not liable to be released on bail.

5. I have heard learned counsel for the parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, age of the applicant, his detention period and also taking into consideration that charge sheet has been filed against him, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.50,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE