

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9503 of 2020

- Jaiprakash Jaiswal, S/o Ram Sevak Jaiswal aged about 35 years, R/o Village Rameshpur, Police Station – Raghunath Nagar, Ramanujganj, District – Balrampur-Ramanujganj, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, through : Police Station – Raghunath Nagar, Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh

---- State/Non-Applicant

For Applicant	:	Shri Anshul Tiwari, Advocate
For Non-Applicant/State	:	Shri Dinesh Kumar Tiwari, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

15.02.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 07.11.2020 in connection with Crime No. 119/2020 registered in Police Station- Raghunath Nagar, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 409 & 420 of IPC.
2. Prosecution case in brief is that present applicant has been posted as Gram Sachiv (Secretary) at Gram Panchayat Kamalpur. It is alleged that while being posted as Gram Sachiv, the applicant has made false signature of Rajwanti Devi (the Sarpanch of Kamalpur) and without permission of the said Gram Panchayat withdrew the total amount of Rs.12,02,000/- from the bank and deposited in the H.D.F.C. Bank account of Anuj Traders without doing government work with the intention of dishonestly cheating with the government money.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He also submits that the applicant is in jail since 07.11.2020, charge-sheet has already been filed and conclusion of the trial is likely to take some time,

therefore, he be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, the applicant is in jail since 17.11.2020, charge-sheet has already been filed, conclusion of the trial is likely to take some time and offence is triable by the Magistrate, that there is no apprehension of the applicant tampering with the evidence or absconding and also he has no criminal antecedent as admitted by both the counsel, without expressing any opinion on merits of the case, the bail application is allowed.
6. It is directed that in the event of applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-
 - i. he 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. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench

Sd/-
(Gautam Chourdiya)
Judge