

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr. C. No. 2094 OF 2015**

Rakesh Singh Thakur S/o Khem Singh Thakur aged about 50 years Resident of 241, Sai Niwas Behid Pandey nursing home, Samata Colony, Raipur District Raipur Civil and Revenue District Raipur (C.G.).

---Applicant**Versus**

State of Chhattisgarh, Through Police Station Rajim, Gariyabandh District Gariyabandh (C.G.)

---Non-applicant**And****M.Cr.C. No. 2127 OF 2015**

Amar Singh Sahu S/o Firanta Ram Sahu aged about 60 years R/o Nawapara (Rajim) P.S. Rajim, Civil and Revenue District Raipur (C.G.)

---Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station-Rajim, District Gariyaband (C.G.)

---Non-applicant

For Applicant	: Mr. Satish Chandra Verma, Advocate in M.Cr.C.No.2094/2015.
For Applicant	: Mr. Awadh Tripathi and Mrs. Indira Tripathi, Advocate in M.Cr.C. No.2127/2015.
For Non-applicant:	Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01/07/2015**

1. Above mentioned two bail applications arise out of a common Crime No. 162/2014, registered at Police Station Rajim, Gariyabandh, District

Gariyabandh (C.G.), for the offence punishable under 420, 421, 408, 409, 467, 468, 471, 120(B) and 34 of I.P.C., therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the Cr.P.C.

2. Case of the prosecution, in brief, is that present applicants while posted at District Central Co-operative Bank, Rajim did not properly supervise and control the functioning of Primary Agriculture Co-operative Society, Kondaker, by which, other co-accused Domar Das Vaishnav and other persons embezzled/misappropriated Rs.2,59,01,792/- in between 2001-2013 and thereby committed offence.

3. Mr. Satish Chandra Verma, learned counsel appearing for the applicant in M.Cr.C. No. 2094/2015 would submit that as his instance FIR was lodged on 21/06/2013 and there is no allegation of misappropriation against the present applicant as he was Supervisor, posted in the Rajim Branch for a particular period. He would further submit that there is no role of the applicant in offence in question and it is Domar Das Vaishnav, who has committed misappropriation/embezzlement in that Society. He would also submit that there is inordinate delay in lodging the FIR. He would lastly submit that charge sheet has been filed and applicant is in jail since 04/04/2015, therefore, he may be released on bail.

4. Mrs. Indira Tripathi, learned counsel appearing for the applicant in M.Cr.C. No. 2127/2015 would submit that applicant was Supervisor, posted at Rajim Branch from 31/05/2008 to 31/03/2010 and he has been falsely implicated in the offence in question. She would further submit that it is Domar Das Vaishnav, who has committed misappropriation/ embezzlement in that Society. She would lastly submit that charge sheet has been filed and applicant is in jail since 04/04/2015, therefore, he may be released on bail.

5. Mr. O.P. Sahu, Govt. Advocate for the State would oppose the prayer for grant of regular bail and submit that huge public money have been misappropriated by Domar Das Vaishnav with the help of the present applicants as they have failed to control and supervise that Society, therefore, they are not entitled to be released on regular bail.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts and circumstances of the case; further taking into consideration the submission made by learned counsel for the parties, role played by the applicants, extent of delay in lodging the FIR; charge sheet has already been filed and pretrial detention of the applicants, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications (M.Cr.C. Nos. 2094/2015 and 2127/2015) filed under Section 439 of the Code of Criminal Procedure are allowed.

9. It is directed that applicants namely, Rakesh Singh Thakur and Amar Singh Sahu, shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

