

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MISC. CRIMINAL CASE NO. 3262 OF 2015**

Dilip Kumar Ganjir S/o Shri Ramgulam Ganjir, Aged about 45 years R/o Samta Nagar, Govindpura, Thasil & P.S. Kamker, District North Bastar Kanker (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through the Station House in-charge, Police Chowki-Dudhawa, P.S. Narharpur, District North Bastar Kanker (Chhattisgarh)

---Non-applicant

And**M.Cr.C.No. 3103 OF 2015**

Mohd. Sharif, 44 Yrs., S/o Haji Guffar Ramnagar, At & Distt. Kanker

---Applicant

Versus

State of Chhattisgarh, BY SHO Narharpur, Distt. Kanker CG

---Non-applicant

And**M.Cr.C.No. 3181 OF 2015**

Mohd. Aslam, 35 Yrs., S/o Haji Gulam Mustafa Ramnagar, At & Distt. Kanker

---Applicant

Versus

State of Chhattisgarh, BY SHO Narharpur, Distt. Kanker CG

---Non-applicant

For Applicant	:	Mr. Sourabh Sharma, Advocate in M.Cr.C. No. 3262/2015.
For Applicants	:	Mr. Raja Sharma, Advocate in M.Cr.C. Nos. 3103/2015 & 3181/2015.
For Non-applicant	:	Mr. Siddharth Rathore, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/07/2015

1. Above mentioned three bail applications arise out of a common Crime No. 87/2014 registered at Police Chowki Dudhawa, P.S. Narharpur, District North Bastar Kanker (Chhattisgarh), for the offence punishable under Sections 420, 467, 468, 471 & 120-B of Indian Penal Code, therefore, they are being heard analogously and decided by this common order. All the three are first bail applications filed under Section 439 of the Cr.P.C.

2. Case of the prosecution, in brief, is that, present applicants along with other five co-accused persons caused financial loss to District Cooperative Central Bank, Jagdalpur to the tune of Rs.20,23,552/- by making forged transactions and showing fake purchase in the name of agriculturist without being any actual purchase and made forged entries of delivery of 704 Qtl. of paddy to Bharat Rice Industries and 800 Qtl. of paddy to Simran Rice Mill and co-accused Dilip Kumar Ganjir encashed the cheque while working as Cashier in the District Cooperative Central Bank, Narharpur Branch by hatching conspiracy.

3. Mr. Sourabh Sharma and Mr. Raja Sharma, learned counsel appearing for the respective applicants would submit that present applicants have not committed any offence and have been falsely implicated in offence in question. They would further submit that it is Tilakdas Manikpur who has misappropriated the entire amount along with Kailash Kumar Sahu, who was found liable by the Inquiry Officer by its report dated 01/05/2014 and thereafter, an amount of Rs.28,70,800/- has been deposited by Tilakdas Manikpur. They would further submit that no custodial interrogation is required. They would also submit that no useful purpose would be served by

keeping them in jail and offences are triable by the Magistrate. They would lastly submit that charge sheet has been filed and applicant- Dilip Kumar Ganjir has been arrested on 19/03/2015 and applicants, namely, Mohd. Sharif and Mohd. Aslam have been arrested on 18/05/2015, therefore, they may be released on regular bail.

4. On the other hand, Mr. Siddharth Rathore, Dy. Govt. Advocate appearing for the State would oppose the prayer for grant of bail and submit that though, an amount in dispute i.e. Rs.28,70,800/- has been deposited by Tilakdas Manikpur but looking to their role in offence in question, they are not entitled to be released on regular bail.

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

6. Taking into consideration the facts and circumstances of the case and further taking into consideration the nature and gravity of offence; role of the present applicants in offence in question; an amount in dispute has already been deposited by one co-accused namely Tilakdas Manikpur on 24/04/2014, 25/04/2014 and 01/05/2014; charge sheet has already been filed; their pretrial detention; considering that applicant-Dilip Kumar Ganjir is Cashier in the Bank and applicants, namely, Mohd. Sharif and Mohd. Aslam are Rice Millers and they are not likely to abscond if granted regular bail and offences are triable by the Magistrate, this Court is of the opinion that present is the fit case, in which, applicants should be enlarged on regular bail.

7. Accordingly, bail applications (M.Cr.C.Nos. 3262/2015, 3103/2015 & 3181/2015) filed under Section 439 of the Code of Criminal Procedure are allowed.

8. It is directed that applicants, namely, Dilip Kumar Ganjir, Mohd.

Sharif and Mohd. Aslam 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.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari