

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 574 of 2015

Siraj Mohammed S/o. Late Sheikh Mohammed Aged About 60 years R/o Rajendra Nagar, Bilaspur Tahsil, Civil And Revenue District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Civil Lines, Bilaspur Chhattisgarh

---- Respondent

For Applicant	:	Shri Adil Minhaj, Advocate
For Respondent / State	:	Shri Satish Gupta, Govt. Adv.

Order On Board

22/07/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.230/15 registered at police station – Civil Lines, Bilaspur (CG) for alleged commission of offence under Section 409 IPC.

2. Case of the prosecution is that during the period the applicant was posted as Malkhana Nazir, certain articles in the Malkhana were found removed and lying outside the Malkhana and the applicant is involved in the alleged offence as he is the custodian of the articles.

3. Learned counsel for the applicant submits that merely on the basis that he was the in-charge, he cannot be made accused. He submits that the applicant has not misappropriated anything. He submits that it could be a case of theft because the Malkhana was in a bad condition. He submits that at the most, it can be said to be a case of negligence.

4. On the other hand, learned State counsel opposes the bail application.

5. Taking into consideration the submission of learned counsel for the applicant, nature of allegations and that the applicant was Nazir and was in custody of the entire Malkhana, I am not inclined to grant bail to the applicant. The application is therefore rejected.

6. At the last, learned counsel for the applicant submits that as the applicant is a Government Servant, the Court below may be directed to decide his regular bail application on the earliest.

7. It goes without saying that, in case, the applicant moves regular bail application, the same shall be decided by the Court below as early as possible.

Sd/-
Manindra Mohan Shrivastava
Judge