

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.3397 of 2015

Lalaram, S/o Makru Ram Patel, aged about 57 years, R/o Village Darra, P.S. Giraudhpuri, Tahsil Kasdol, Civil & Revenue Distt. Balodabazar-Bhatapara (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through S.H.O. Police Station Kasdol, Distt. Balodabazar-Bhatapara (C.G.)

---- Non-applicant

For Applicant:	Mr. A.S. Rajput, Advocate.
For Non-applicant:	Mr. Siddarth Rathore, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

30/07/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.246/2015 registered at Police Station Kasdol, Balodabazar-Bhatapara, for the offence punishable under Sections 409, 420 read with Section 34 of the IPC, 3 and 7 of the Essential Commodities Act.
2. Case of the prosecution, in brief, is that the applicant along with co-accused while running a fair price shop of Sahkari Seva Samiti, Kalangi, misappropriated an amount of Rs.7,55,415/- and thereby committed the offence.
3. I have heard learned counsel for the parties and perused the case diary.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, as he

had already given charge on 13-12-2014 and the offence has been committed thereafter, it is Ramesh Kumar Karsh who has committed the offence. The applicant is in jail since 11-4-2015 and no useful purpose will be served by keeping him in jail, as charge sheet has been filed.

5. On the other hand, learned State counsel opposes the application and submits that report of the Assistant Food Inspector reveals that the applicant in collusion with other co-accused misappropriated huge amount and thereby committed the offence. He further submits that instead of handing over the charge to Sambal Kumar, the applicant has handed-over the charge to Ramesh Kumar Karsh who is not the employee of the Samiti.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant and taking note of the enquiry report of the Assistant Food Inspector and statements of the prosecution witnesses available in the case diary, I am not inclined to grant bail to the applicant. The application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge