

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3984 of 2015

- Asruram Yadav, S/o Shri Budhram Yadav, Aged about 55 years, R/o Kaundkera, Police Station Rajim, Civil District – Raipur & Revenue District – Gariyaband (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station – Rajim, District – Gariyaband (C.G.)

---- Non-applicant

For Applicant:	Mr. Vimlesh Bajpai, Advocate.
For Respondent/State:	Mr. Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/09/2015

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 162/2014 registered at Police Station Rajim, District – Gariyaband (C.G.) for the offences punishable under Sections 420, 421, 408, 409, 467, 468, 471 & 120(B)/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that the present applicant, while working with co-accused Domar Das Vaishnav, Manager of the Society, as Process Server in Primary Agriculture Co-operative Society, Kaundkera, embezzled/misappropriated an amount of ₹2,59,01,792/- in between 2001-2013 and, thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant is only the Process Server in the office of Primary Agriculture Co-operative Society, Kaundkera, and his work is only confined to the ministerial job and he has not signed the work order. He further submits that similarly situated co-accused persons namely Rakesh Singh Thakur & Amar Singh Sahu, who are working as Supervisor of the said Society, have already been granted regular bail by this Court on 01.07.2015 in M.Cr.C. Nos. 2094/2015 & 2127/2015. He further submits that the applicant is in jail since 05.04.2015; charge sheet has already been filed and no useful purpose would be served in detaining him in jail and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; further considering his pre-trial detention; and the facts applicant is only the Process Server of the Said Society; charge sheet has already been filed and no custodial interrogation is

required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(3) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-