

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4580 of 2015**

Amritlal Kanwar S/o Late Gopal Singh Kanwar, aged about 52 years, R/o Village Patadhi, Police Station Urga, District Korba, Civil and Revenue District-Korba (CG)

---Applicant

Versus

State of Chhattisgarh Through: The Police Station Bhatapara (City), District-Baloda Bazar (Bhatapara) (Chhattisgarh)

---Non-applicant

For Applicant	:	Mr.S.C.Verma, Advocate
For Non-applicant	:	Mr.Neeraj Jain, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**CAV Order****14/09/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.133/2015, registered at Police Station-Bhatapara (City), District-Baloda Bazar (Bhatapara) (C.G.), for the offence punishable under Sections 409 and 420 of the IPC.

2. Case of the prosecution, in brief, is that the applicant while working as Chief Executive Officer, Janpad Panchayat, Bhatapara withdrawn Rs.92,91,000/- from Janpad Panchyat that was the amount reserved under different heads for work to be conducted in Janpad Panchayat area and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely been implicated in crime in question. He would further submit that there is no signature of the present applicant to withdraw the aforesaid amount and cheques recovered would show

that the applicant has not withdrawn the said amount from the concerned account of the Panchayat through bank. He would also submit that charge-sheet has already been filed and he is in jail since 27.5.2015. He would also submit that there is no misappropriation of the government money from the present applicant and the offence is triable by the Judicial Magistrate First Class, and therefore, he may be enlarged on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the present applicant has withdrawn the huge public amount by misappropriating the same and it has not been mentioned in the account register, withdrawal register and ledger book. He would further submit that as it is a serious offence i.e. misappropriation of Rs.92,91,000/-, the applicant does not deserve to be released on 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; further taking into consideration the nature and gravity of offence and the manner in which the huge public amount i.e. Rs.92,91,000/- is said to have been misappropriated by the applicant while holding the post of Chief Executive Officer, Janpad Panchayat Bhatapara, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-