

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6370 of 2015

Shiv Prasad Dhurve S/o Ramdayal Dhurve Aged About 56 Years R/o Village Khardi (P.O. Amaru), P.S. And Tahsil Pendra, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Pendra, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	:-	Shri F.S. Khare, Advocate
For Respondent/ State	:-	Shri Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

26/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 177/2015 registered at Police Station- Pendra, District- Bilaspur (C.G.) for the offence punishable under Section 409 of IPC.
2. The prosecution story in brief is that the applicant was working as Post Master in the Post Office Branch, Amaru, Police Station- Pendra during the period of 11.05.2013 to 20.10.2013 has withdrawn an amount of Rs. 1,60,000/-, however, he did not pay the same to the labourer who were entitled for the same.
3. Counsel for the applicants submits that the applicant is innocent and has been falsely implicated in this case. He further submits that the present applicant is in jail since 25.10.2013 and as such has already remained in jail for a period of about 2 years. He further submits that

the trial would take quite some time for conclusion and therefore, the present applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Having regard to the fact that the delay in trial and also keeping in view of fact that the present applicant has remained in jail for a period of about 2 years, I am of the opinion that it is a fit case where the present applicant can be released on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge