

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6720 of 2015

Hemant Kumar, S/o. Humman Lal Joshi, Aged About 49 Years, R/o. Narayangarh, Chichola, Tahsil & District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Kotwali, Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Mr. B.D.Guru, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/12/2015

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.86/2015, registered at Police Station– Kotwali, Rajnandgaon, District Rajnandgaon (C.G.) for the offence punishable under Section 409, 420, 467, 468 & 471/ 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant, who was working as Accountant posted at Rajnandgaon have passed the bills with an understanding that he will receive commission and thereby the government fund were embezzled by the Block Education Officer who was posted at Rajnandgaon by not adhering to the Bhandar Kraya Rules and different notification, which was issued by the State. It is further alleged that forged bills have been filed and the payments were made to the Sankul Centre, which the applicant failed to notice. Thereafter, on due enquiry, the Collector

has recommended for lodging of FIR and subsequently, FIR has been lodged.

3. Learned counsel for the applicant would submit that according to the prosecution itself, the entire allegation was on one Dilip Rangari, who was posted at Block Resource Coordinator, Rajeev Gandhi Shiksha Mission and the Collector after detailed enquiry, recommended for registration of FIR against Dilip Rangari that he has embezzled the fund. It is further contended that even otherwise the applicant being the Accountant was required to sign the bills and cheques and pass the bills on the basis of the note sheet which was placed before him, as such, he has not committed any embezzlement. Therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and would submit that the applicant who was Accountant, it was his duty to cheque the payments and therefore he has also committed the offence.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Charge sheet in this case has been filed. Perusal of the charge sheet would show that primary allegations are on one Dilip Rangari and taking into fact that the voluminous documents are filed alongwith the charge sheet and the allegations are documentary in nature and further considering the fact that the applicant is in jail since 08.08.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok