

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6744 of 2015

1. Shyam Lal Dhruv, S/o. Shri Rajaram Dhruv, aged about 49 years, R/o. Village- Raytum, Thana-Patewa, Tahsil – Pithoura, Civil and Revenue District – Mahasamund (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Pithoura, District – Mahasamund (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate
For Respondent/State	:	Mr. Ashish Shukla, 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, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.308/2014, registered at Police Station – Pithoura, District – Mahasamund (C.G.) for the offence punishable under Section 420, 409, 467, 468, 471, 120-B/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant was working as Samiti Prabandhak and during the period of 2009-2010 certain cheques which were cancelled they were used and amount of Rs.1,00,48,000/- was embezzled and the amount was withdrawn in the name of different agriculturist. Subsequently, a report having been made, the fact was enquired and it was found that some of the agriculturist though they have died in their name amount was withdrawn in connivance of the Bank Officer.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that charge sheet in this case has been filed and the evidence collected by the prosecution is documentary in nature. He would further submit that the offence is triable by JMFC and the applicant is in jail since 16.07.2015, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact and the nature of allegation levelled against the applicant and the evidence available against the applicant is in documentary in nature, the offence is triable by JMFC, charge sheet has been filed, and the fact that the applicant is in jail since 16.07.2015, this Court is of the opinion that present is 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 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