

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6838 of 2015

1. Dev Kumar Dubey, S/o. Nityanand Dubey, aged about 58 years, (wrongly mentioned as 50 years in the order sheet), Occupation-Service, R/o. Village-Pahriya, Police Station and Tahsil - Baloda Civil and Revenue District – Janjgir-Champa (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : District Magistrate/Station House Officer, Police Station – Baloda, District – Janjgir-Champa (C.G.)

---- Respondent

For Applicant	: Mr. Dharmesh Shrivastava, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/12/2015

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.109/2015, registered at Police Station – Baloda, District – Janjgir-Champa (C.G.) for the offence punishable under Section 420, 467, 468, 471, 409, 120-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant was working as Manager of Seva Sahkari Samiti Maryadit, Pahariya and in connivance with the sales man, Keshav Singh kept Rin-pustika of the villagers and thereafter, made false receipts and shown sale of paddy, wherein embezzlement of Rs.8,72,040/- has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that during the investigation, the police has seized the withdrawal form,

which appears signature of the respective farmers, which would go to show that amount has been received by the respective farmers and it can not be stated that the amount has been embezzled by this applicant. He would further submit that charge sheet in this case has been filed and the applicant is in jail since 01.09.2015, 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 facts and circumstances of the case and the nature of the allegation levelled against the applicant and taking into fact that charge-sheet in this case has been filed, the applicant is in jail since 01.09.2015 and the offences are triable by JMFC, without any observation on merit, for the purpose of bail, 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