

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M. CR. C No. 768 of 2015

K. Venkatraman S/o Shri K.S.
 Rao Aged About 48 years, R/o
 Station Para, Tah. Sakti, Civil
 And Rev. Distt. Janjgir -
 Champa C.G.

---- Applicant

Versus

State Of Chhattisgarh Through
 Station House Officer, Police
 Station Dabhra, Civil And Rev.
 Distt. Janjgir Champa C.G.

---- Respondent

For Petitioner	:-	Shri Kamal Kishore Patel, Advocate
For Respondent	:-	Shri P.K. Bhaduri, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

30/03/2015

1. This is the second bail application under Section 439 Cr.P.C for grant of bail to the applicant who has been arrested on 09.06.2014 in connection with Crime No. 226/ 2013 registered at Police Station – Dabjra, District – Janjgir Champa, for the offence punishable under Sections 409, 420, 467,468 of IPC.
2. The first bail application of the applicant was dismissed as withdrawn on 09.07.2014 in M.Cr.C. No. 3235/2014 with liberty to revive the same after charge sheet is filed.
3. Counsel for the applicant submits though the evidence has began but till now only two of the prosecution witnesses are

examined out of 45 witnesses cited for examining and as such there will be a considerable delay in the conclusion of the trial and therefore, the present applicant may be released on bail on this ground. He further submits that the other co-accused persons in the instant case have been granted bail and therefore, the present applicant may also be considered for grant of bail on the ground of parity.

4. State counsel however, opposing the bail application and submits that so far as the granting of bail to the other co-accused persons is concerned the nature of role played in the commission of offence by the present applicant it is quite different than the role played by the co-accused persons. On perusal of the enquiry conducted in respect of embezzlement committed by the present applicant and the other co-accused persons the charge sheet would show that it was the present applicant alone who had played the lead role, in as much as he started a fictitious account in the name of Block Source Coordinator in the bank was being exclusively operated by the present applicant and in all amount of more than Rs. 1.95 Cr. was embezzled by the present applicant by operating fictitious account opened by him and therefore, his case is quite distinguishable so far as the bail which has been granted to the other co-accused persons. So far as, the delay is concerned the State counsel submits that this Court can always issue necessary order for conducting trial expeditiously.

5. Considering the facts and circumstances of the case, particularly the role played by the present applicant in the entire episode of committing the embezzlement, this Court is of the view that it is not a fit case to release the present applicant on bail at this juncture.

6. Accordingly, the bail application stands rejected.

7. However, the Court below at this juncture is advised to ensure that the witnesses are examined at the earliest and all endeavor should be made for early disposal of the trial.

(P. Sam Koshy)
JUDGE