

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7176 of 2015

1. Daniram Sahu, S/o. Bhulauram Sahu, aged about 45 years, (Assistant Clerk Seva Sahkari Samiti, Sarda), R/o. Village-Bawanlakh, P.S. - Berla, District – Bemetara (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station - Berla, District – Bemetara (C.G.)

---- Respondent

AND

M.CR.C. No. 7238 of 2015

1. Surit, S/o. Derha Sahu, aged about 58 years, President – Sewa Sahakari Samiti, Sarda, R/o. Village-Sarda, Police Station-Berla, District – Bemetara (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station - Berla, District – Bemetara (C.G.)

---- Respondent

For Applicants	: Mr. B.P. Singh, Advocate & Ms. Sharmila Singhai, Advocate
For Respondent/State	: Ms. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2015

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 applicants who have been arrested in connection with Crime No.141/2013, registered at Police Station – Berla, District – Bemetara (C.G.) for the offence punishable under Section 420, 409, 467, 468, 471/34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that the applicants alongwith other co-accused persons namely Indra Kumar Sahu, Girwar Kumar & Toran Sahu though were working as Incharge of the Centre alongwith these applicant has made false entries in the Rin Pustika of 26 farmers thereby has embazelled 1185.20 quintals of paddy amounting to Rs.14.00 lakhs. As per the prosecution, the applicant, Surit was working as Incharge-President of the Samiti, whereas, the applicant, Daniram Sahu was working as Clerk, and the applicants in connivance with the other applicants have embezzled the amount and thereby the offence is committed.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. They would further submit that charge-sheet in this case has been filed and the entire allegation against the applicants are in documentary in nature. They would further submit that the Indra Kumar, Girwar Kumar and Toran Sahu are the main culprits, who have admitted their guilt and no allegation can be attributed to these applicants. They would further submit that the applicants are in jail since 11.08.2015, therefore, applicants 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 taking into consideration the nature and the gravity of offence and further considering the fact that the charge sheet in this case has been filed and the evidence in this case are documentary in nature, the

applicants are in jail since 11.08.2015, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge