

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3693 OF 2015**

Brij Kishor Narange S/o Sadanand Narange, Aged about 30 years, R/o Khamhariya, P.S.-Baraduarr, Civil/Revenue Dist-Janjgir Champa

---Applicant**Versus**

State of C.G. Through P.S. Baraduarr, Dist-Janjgir Champa (C.G.).

---Non-applicant

For Applicant	:	Mr. H.S.Ahluwalia, Advocate.
For-Non-applicant	:	Mr. Neeraj Jain, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/08/2015**

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. 301/2014, registered at Police Station-Baraduarr, District-Janjgir Champa (C.G.), for the offence punishable under Section 409/34 of the IPC.

2. Case of the prosecution, in brief, is that, the applicant and co-accused alleged to have misappropriated 10873.73 quintal of paddy amounting to Rs.1,65,29,593.60 while he was working as Incharge of Seva Sahkari Samiti, Darrabhata and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has falsely been implicated in the case. He would further submit that the paddy in question is lying on the spot and not verified by the State officials, unnecessarily offence in question has been registered against the applicant without any physical verification. He is

Incharge of the society and not in a capacity to misappropriate such huge quantity of paddy. He is in jail since 30.10.2014, charge-sheet has already been filed and no useful purpose would be served by detaining him in jail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that the applicant being Incharge of the Samiti is responsible. Learned State counsel would further submit that other co-accused is still absconding and police is unable to caught hold of him, therefore, bail may not be granted to the applicant.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence and the manner in which huge quantity of paddy alleged to have misappropriated, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-