

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3665 OF 2015**

Gopal Prasad son of late Kashi Ram, aged about 49 years, Caste Sahu, R/o Village Khamhariya, P.S. Baradwar, District Janjgir -Champa (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through : The Station House Officer, P.S. Baradwar, District Janjgir-Champa (C.G.)

---Non-applicant

For Applicant	:	Mr. N.K. Chatterjee, Advocate
For Non-applicant	:	Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****04/08/2015**

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. 113/2014, registered at Police Station Baradwar, District Janjgir Champa (C.G.), for the offence punishable under Sections 420, 409, 418, 120-B/34 of IPC.

2. Case of the prosecution, in brief, is that present applicant along with two other co-accused persons from 06/11/2013 to 27/01/2014 misappropriated Rs.19,33,128/- in Paddy Collection Center, Darrabhata and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that applicant was not employed at relevant point of time in Paddy Collection Center, Darrabhata and at the request of his

son-Devendra Sahu, he has assisted him, as such, it cannot be said that he has misappropriated any amount. He would lastly submit that charge sheet has been filed and applicant is in jail since 07/04/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that present applicant is actively assisted his son-Devendra Sahu and main accused-Ramayan Sahu.

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; pretrial detention of the applicant; role of the applicant in offence in question; charge sheet has been filed and particularly taking into plea of the applicant that he was not employed at Paddy Collection Center, Darrabhata, this Court is of the opinion that present is the 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/-
(Sanjay K. Agrawal)
JUDGE