

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3955 of 2015**

Kailash Sahu S/o. Ram Singh Sahu, aged about 24 years, R/o. Village Musurputta, P.C. Dudhwa P.S. Narharpur Revenue and Civil District North Bastar Kanker (CG)

---Applicant

Versus

State of Chhattisgarh, Through: The Police Chowki Dudhawa, P.S. Narharpur, District North Bastar Kanker (CG)

---Non-applicant

And**M.Cr.C.No.4079 of 2015**

Tilakdas Manikpuri, aged about 45 years, S/o Santdas, Dhan Kharidi Kendra Prabhari, Musurputta, Tahsil and Thana Narharpur, Distt.U.B. Kanker, R/o Village Musurputta, Distt.U.B.Kanker

---Applicant

Versus

State of Chhattisgarh, through Police Chowki Dudhawa, Police Station Narharpur, Distt.U.B. Kanker (CG)

---Non-applicant

For Applicant	:	Mr. P.K.Tulsyan, Advocate in M.Cr.C.No.3955/15
For Applicant	:	Mr.Parag Kotecha, Advocate in M.Cr.C.No.4079/15
For Non-applicant	:	Mr. Siddharth Rathore, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/08/2015**

1. Above mentioned two bail applications arise out of a common Crime No.87/2014, registered at Police Chowki-Dudhawa, Police Station-Narharpur, Distt.Uttar Bastar Kanker (CG), for the offence punishable under Sections 420, 467, 468, 471, 120B and 409 of the IPC, therefore, they are being heard

analogously and decided by this common order. The aforesaid two bail applications are filed under Section 439 of the Cr.P.C.

2. Case of the prosecution, in brief, is that the present applicants along with other co-accused persons have caused financial loss to District Cooperative Central Bank, Jagdalpur to the tune of Rs.20,23,552/- by making forged transactions and showing fake purchase in the name of agriculturist without being any actual purchase and made forged entries of delivery of 704 quintals of paddy to Bharat Rice Industries and 800 quintals of paddy to Simran Rice Mill and co-accused Dilip Kumar Ganjir encashed the cheque while working as Cashier in the District Cooperative Central Bank, Narharpur Branch by hatching conspiracy and thereby committed the aforesaid offence.

3. Mr.Parag Kotecha and Mr.P.K.Tulsyan, learned counsel appearing for the applicants would submit that applicant-Tilakdas Manikpuri is Incharge of Dhan Kharidi Kendra and applicant-Kailash Sahu is Computer Operator. Learned counsel would further submit that applicants have not committed any offence and they have been falsely implicated in this case. Mr.Parag Kotecha would submit that applicant-Tilakdas Manikpuri by selling his land has deposited amount of misappropriation, which shows his bonafideness. Applicant-Kailash Sahu is in jail since 14.3.2015 and applicant-Tilakdas Manikpuri is in jail since 28.2.2015, charge-sheet has already been filed and no further interrogation is required. Learned counsel would also submit that other co-accused persons have already been enlarged on bail in M.Cr.C.Nos.3262, 3103 and 3181 of 2015 and therefore, the present applicants are also entitled to be released on regular bail.

4. Mr.Parag Kotecha relied upon paragraphs 15 and 25 of decision of the Hon'ble Supreme Court in the matter **Sanjay Chandra v. Central Bureau of Investigation** reported in **2011 AIR SCW 6838**.

5. On the other hand, learned counsel for the State would oppose the bail

applications and submit that deposit of amount would show that he has misappropriated the aforesaid amount, therefore, he has deposited the same and as such, bail applications are liable to be rejected.

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

7. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; also considering defence of the applicant and bonafide act of the co-accused, pre-trial detention of the applicants, also considering the fact that charge-sheet has already been filed, taking note of the fact that the applicants are public-servant and are in jail for more than about six months, offences are triable by the Judicial Magistrate First Class and the law laid down by the Hon'ble Supreme Court in **Sanjay Chandra's** case (supra), this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

9. It is directed that applicants **Kailash Sahu** and **Tilakdas Manikpuri** shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-