

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4472 of 2015**

- Neeraj Kumar Nande, S/o Manoharlal Nande, aged about 26 years, R/o Chotte Atarmuda, Near Zila Panchayat Office, Civil/Revenue District – Raigarh (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S.-Sarangarh, Distt-Raigarh (C.G.)

---- Non-applicant

For Applicant: Mr. H.S. Ahluwalia, Advocate.
For Respondent/State: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/10/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.375/14 registered at Police Station Sarangarh, Raigarh for the offence punishable under Section 408 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that the applicant while posted as Collection Agent in the Shivam Motors from 10.04.2014 to 23.08.2014 collected huge money but not deposited ₹ 15,35,835/- and misappropriated the same and thereby committed the aforesaid offence.

(3) Learned counsel for the applicant submits that the applicant has issued 41 Money Collection Receipts and against

that amount of Rs. 22,15,887/- has been collected & on account of his leave period i.e. from 09.07.2014 to 17.07.2014, an amount of Rs.2,88,517/- has been collected against the Money Collection Receipts issued by the applicant and it is the actual amount of misappropriation and, as such, there is no amount outstanding to be deposited by the present applicant and, as a result of defective investigation pursuant to the audit report, the applicant has been implicated in the offence in question, in which, the applicant is in jail since 6.7.2015 and the charge sheet has already been filed and the offence is triable by Judicial Magistrate, First Class and, therefore, the applicant may be released on bail.

(4) On the other hand, Counsel for the State submits that applicant has collected huge amount of Rs.22,15,887/- but did not deposit an amount of Rs. 15,35,835/- is outstanding against him and, therefore, the applicant is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case and the manner in which applicant is said to have misappropriated an amount of Rs.15,35,835/-; and the other material collected by the prosecution against the applicant; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

