

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6176 of 2015

Bhagwati Prasad Sahu, S/o. Late Shri Baliram Sahu, Aged About 52 Years, R/o. Village Koliha, Police Station Bhatapara (Rural), Civil & Rev. District Baloda Bazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh, Through Station House Officer, Police Station Bhatapara (Rural), District Balodabazar -Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sudhir Agrawal, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.199/2015 registered at Police Station- Bhatapara (Rural), District Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 420, 408 of Indian Penal Code.
2. As per the prosecution case, in brief, the applicant was working as Assistant Clerk and is In-charge of Primary Krishi Sakh Sahkari Samiti, Rohra in between the period from 01.04.2012 to 31.03.2015 and it was found that Rs.45,65,965/- has been embezzled and thereby the offence was committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the charge sheet has been filed. He further submits that an amount of Rs.20,11,000/- has

already been deposited by the applicant and therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the charge sheet in this case has been filed and the allegations are in the nature of documentary evidence and taking into fact that Rs.20,11,000/- has already been deposited by the applicant and considering the period of detention as the applicant is in jail since 30.08.2015 and the offence is triable by the JMFC, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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/-
(Goutam Bhaduri)
Judge