

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4941 of 2015**

- Mohan Lal Patel, S/o. Shri Hariram Patel, aged about 28 years, R/o. Village-Dogaripali, Thana and Tahsil – Saraypali, Civil & Revenue Distt. Mahasamund (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through, Station House Officer, Police Station – Saraypali, Distt. - Mahasamund (C.G.)

--- Respondent

For Applicant: Shri Sunil Sahu, Advocate.

For Respondent/State: Shri Ramakant Mishra, Deputy Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****29/09/2015**

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. 313/2012 registered at Police Station Saraypali, Distt. Mahasamund for offences punishable under Sections 409, 420, 467, 468 & 471/120-B of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant along with other co-accused persons misappropriated the government

money of Rs. 18,73,000/- and thereby committed the aforesaid offences.

(2) Counsel for the applicant submits that the Branch Manager of the State Bank of India, Branch Saraipali had inadvertently credited an amount of Rs.7,48,000/- in the applicant's account. Subsequently, when the said mistake on the part of the Bank was detected by the applicant, he initially withdrawn the amount and given the same to Anuj Kumar Tiru, Field Officer of the said Bank. He would further submit that similarly situated co-accused persons namely Ram Lal Sahu & Tribhuvan Sahu have already been granted regular bail by this Court vide order dated 11.03.2014 & 17.07.2014 in M.Cr.C. Nos. 994/2014 & 3490/2014, respectively and, therefore, the present applicant may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State, after verifying the records, would submit that present case is similar to that of accused persons, who have already been granted regular bail by this Court vide orders dated 11.03.2014 & 17.07.2014 in M.Cr.C. Nos. 994/2014 & 3490/2014, respectively.

(5) Considering the totality of the facts, in particular the fact that co-accused persons have already been granted regular bail by this Court vide order dated 11.03.2014 & 17.07.2014 in M.Cr.C. Nos. 994/2014 & 3490/2014, respectively; applicant is in jail since 8.7.2015 and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant

on bail. Accordingly, the application is allowed.

(6) Accused/applicant – **Mohan Lal Patel** is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-