

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5197 of 2015

Domar Das Vaishnav, S/o Shri Harishchandra Das Vaishnav, aged about 55 years, R/o Village Panigaon, Post Office, Police Station & Tahsil Mainpur, District Gariyaband (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Rajim, District Gariyaband (C.G.)

---- Non-applicant

For Applicant:	Mr. Shivendu Pandya, Advocate.
For Non-applicant:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/10/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.162/2014 (Criminal Case No.306/2015 pending in the Court of Judicial Magistrate First Class, Rajim), registered at Police Station Rajim, Distt. Gariyaband, for the offence punishable under Sections 420, 421, 408, 409, 467, 468, 471 and 120B read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant and other co-accused committed embezzlement of Rs.2,59,01,792/- in between 2001 and 2013 in Primary Agricultural Cooperative Society, Kondakera.
3. Learned counsel for the applicant submits that other co-accused namely Rakesh Singh Thakur, Amar Singh Sahu and Asruram Yadav have already been released on bail by this Court and case of the present applicant is

similar to those applicants who have been released on bail as such, the applicant who is suffering from paralysis is in jail since 15-4-2015 and therefore, he be released on bail.

4. On the other hand, learned State counsel opposes the application and submits that the applicant is the principal accused as he has embezzled the huge public money amounting to more than Rs.2 crores and his case is distinguishable from that of the other co-accused who have been granted bail and, therefore, the applicant is not entitled to be released on bail.
5. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant in the offence in question being the principal accused, there is serious allegation of misappropriation of huge public money against the applicant and his case being distinguishable from the other co-accused persons who have been granted bail, I am not inclined to grant regular bail to the applicant. Consequently, the application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge