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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.No.5549 of 2015**

Badri Prasad Kashyap S/o Shri Bedi Lal Kashyap, aged about 55 years, Posted as Branch Manager Pathariya in Jila Sahkari Kendriya Bank Bilaspur R/o Kapil Nagar, Bilaspur, P.S. Sarkanda, Bilaspur, Civil & Revenue District Bilaspur (CG)

**---Applicant****Versus**

State of Chhattisgarh, Through its Police Station Incharge Lormi, Police Chowki Chilfi, Civil District Bilaspur, Revenue District Mungeli (CG)

**---Non-applicant**


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| For Applicant     | : | Mr. Suresh Pandey, Advocate        |
| For Non-applicant | : | Mr. Anupam Dubey, Dy.Govt.Advocate |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****13/10/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.423/2014, registered at Police Chowki-Chilfi, Police Station-Lormi, District-Mungeli, (C.G.), for the offence punishable under Section 409/34 of the IPC.

2. Case of the prosecution, in brief, in a godown constructed at village Khaprikala (1000 sq.) by the present applicant along with other co-accused on 17.4.2010 was found to be substandard and thereby they have misappropriated an amount of Rs.4,75,703/-.

3. Learned counsel for the applicant would submit that the godown was constructed on 5.3.2011 and thereafter, security deposit has been returned to the contractor and now First Information Report has been lodged on 1.12.2014 for the substandard/holding work that the work said to be executed by the contractor is substandard. He would further submit that contractor Padam Raj Singh has been granted anticipatory bail by this Court vide order dated

10.3.2015 passed in M.Cr.C.(A) No.129/2015 as he has executed the work. The present applicant is in custody since 12.9.2015 and charge-sheet is yet to be filed.

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

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

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant and the fact that anticipatory bail was granted to co-accused Padam Raj Singh, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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/-**

**(Sanjay K. Agrawal)**  
**JUDGE**

B/-