

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3627 of 2016

Naresh Kumar Yadav, S/o. Phool Sai, Aged About 48 Years, R/o. Village Dongari, P.S. Baloda, District Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the District Magistrate, District Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. N.K.Chatterjee, Advocate

For Respondent : Mr. O.P.Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.07.2016

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.62/2016 registered at Police Station- Baloda, District Janjgir-Champa (C.G.) for the offence punishable under Section 409, 420, 467, 468, 471/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant being a Principal of Balajayanti Higher Secondary School, Dongri has manipulated the documents with respect to the payment of scholarship to different students from the year 2011 and by making forged entry the amount was withdrawn in the name of students and thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the charge sheet has been filed and the prosecution itself has not sure as to how much

amount has been defalcated. It is further submitted that the prosecution has also not sure about the signature of the applicant and that has been sent for verification and therefore under the facts and circumstances of the case, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the charge sheet, documents and the list of students. The defalcation amount has not been estimated in the charge sheet. Taking into consideration the documents filed along with the charge sheet and the fact that all the evidences are documentary in nature and the charge sheet shows it is too vague, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge