

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3472 of 2016

Baldev Prasad Dheewar, S/o. Late Mr. Jahoran Lal Dheewar, Aged About 46 Years, R/o. Village Semartal, Thana Koni, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Koni, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.D.Guru, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.09.2016

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.37/2016 registered at Police Station Koni, Bilaspur (C.G.) for the offence punishable under Section 409, 406, 408, 120-B of Indian Penal Code.
2. As per the prosecution case, the applicant who was the In-charge Manager of Sewa Sahakari Samiti Semartal in connivance with the President & Vice President has withdrawn certain amount of Rs. 61,00,000/- for which the entry was not made in Cash Register; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the main allegations have been attributed to the President & Vice President as on the instructions of the President & Vice President, the amount was withdrawn and only allegation against the applicant is that he has not entered the withdrawn amount in the Cash Register. He further submits that the applicant was not the beneficiary and he is in jail since 10.02.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. It appears that few of the other co-accused are still at large. Considering the facts and circumstances of the case and the way the offence has been committed and further considering the evidence available on record and the fact that the other co-accused are still are at large and absconding, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge