

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.383 of 2016

Budhram Sodhi (wrongly mentioned as Budhram in the impugned order),
S/o Bhimaram Sodhi, aged about 45 years, by caste Madiya, R/o Pujari
Para, Village Dilimili, P.S. Kodenar, Distt. Bastar (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station
Kodenar, Distt. Bastar (C.G.)

---- Non-applicant

For Applicant:	Mr. Awadh Tripathi, Advocate.
For Non-applicant:	Mr. Om Prakash Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/02/2016

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.103/2015, registered at Police Station Kodenar, Distt. Bastar, for the offence punishable under Sections 409 and 420 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the amount of pension Rs.9,51,000/- was withdrawn for distribution to the beneficiaries between the period from April, 2013 to November, 2013 but the same was not distributed by the applicant and Secretary Loknath Kashap and thereby, they have committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. Charge-sheet has been filed and no custodial interrogation of the applicant is required. The applicant is in jail since 27-7-2015.

Co-accused Loknath Kashyap has been granted anticipatory bail by a coordinate Bench of this Court in M.Cr.C.(A)No.369/2014 on 8-5-2014, whereas the present applicant is in jail, therefore, the applicant deserves to be released on bail and he has no role to play.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, charge-sheet has been filed and co-accused Loknath Kashyap has been enlarged on anticipatory bail, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge