

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3469 of 2016**

Rajpal Sahu S/o Rathiram Sahu, aged about 34 years, R/o Jaipur Vora,
P.S. Sariya, Tahsil Baramkela, District Raigarh, Civil & Revenue District
Raigarh (CG)

---Applicant

Versus

State of Chhattisgarh Through District Magistrate, Raigarh (CG)

---Non-applicant

For Applicant	:	Mrs.Pritha Ghoshal and Mr.Rajendra Tripathi, Advocates
For Non-applicant	:	Mr. O.P.Sahu, G.A.
For Objector	:	Mr.Kishore Bhaduri, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

21/09/2016

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.99/2016, registered at Police Station-City Kotwali, District-Raigarh (CG), for the offence punishable under Sections 381, 406, 467, 468 & 471 of the IPC and Section 43 & 65 of the IT Act.

2. Case of the prosecution, in brief, is that the applicant while posted in the Sari Center owned by Pramod Shinghanian from March, 2012 to November, 2015 misappropriated an amount of ₹ 25 to 35 lacs and thereby committed the offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been

implicated in crime in question. She would further submit that there is delay of four years in lodging the FIR and FIR has been registered on the basis of report of private Chartered Accountant. There is no income tax return filed showing loss of ₹ 25 to 35 lacs by complainant Pramod Shinghanian. Charge-sheet has been filed on 19.5.2016 and the applicant is in jail since 21.2.2016 and therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the applicant was found stealing ₹ 3000/- and report of private Chartered Accountant that he has misappropriated an amount of ₹ 25 to 35 lacs and as such, he is not entitled to be released on bail.

5. Learned counsel for the objector would also oppose the bail application in the line of arguments raised by Government Advocate Mr.O.P.Sahu.

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

7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, extent of delay in lodging the FIR, the fact that case has been initiated on the basis of report of private Chartered Accountant, the applicant is in jail since 21.2.2016, charge-sheet has already been filed and no further interrogation of the applicant is required, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of ₹ 50,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-