

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7284 of 2016

1. Om Prakash Soni, S/o. Ram Kumar Soni, aged about 19 years, R/o. Village-Chhuri Kala, P.S. Katghora, Sahu Mohalla, Bajrang Chowk, District – Korba (C.G.). At present R/o. Sangram Chowk Budhlal Bada, Sikola Bhatha, Durg (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : the District Magistrate, Durg (C.G.)

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/11/2016

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.244/2016, registered at Police Station – Pulgaon, District – Durg (C.G.) for the offence punishable under Section 408, 420, 467, 468, 471, 381, 120-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by P.B. Deshmukh, Director of Shankaracharya Technical Campus, Bhilai that one Sagar Borker who was working as an Accountant and Data Entry Operator had withdrawn an amount of Rs.95,82,275/- at different points of time and deposited the same in different accounts

of his relatives and friends (total 110 persons) and withdrew the same with their help and thereby the aforesaid offence was committed.

3. Learned counsel for the applicant submits that in the account of the applicant Rs.59,400/- was deposited twice i.e. on 28.10.2015 and 07.03.2016 and the applicant was not a party to the conspiracy and the main allegations have been attributed to Sagar Borker. He further submits that charge-sheet in this case has been filed and the applicant is in jail since 18.07.2016. It is further submitted that similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C. No.5898/2016 vide order dated 28.09.2016, therefore, the counsel prays that the applicant may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that similarly placed co-accused has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case and further considering the fact that similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C. No.5898/2016 vide order dated 28.09.2016, 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/-
(Goutam Bhaduri)
Judge

Balram