

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 298 OF 2016**

Kishore Singh S/o Shivratan Singh aged about 25 years
Occupation Student R/o Vill. Lacchanpur Tah. & Thana
Baradwar Civil & Revenue Distt. Janjgir-Champa Distt.
Janjgir-Champa (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through Police Thana Baradwar
Distt. Janjgir-Champa (C.G.).

---Non-applicant

For Applicant : Ms. Sharmila Singhai, Advocate.
For-Non-applicant : Mr. Suvigya Awasthy, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****16/02/2016**

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. 213/2015, registered at Police Station Baradwar, District Janjgir-Champa (C.G.), for the

offence punishable under Section 409/34 of I.P.C.

2. Case of the prosecution, in brief, is that, in the year 2013-14 applicant along with two other co-accused persons embezzled 4495.78 quintal paddy amounting to Rs.70 Lacs in the Sewa Sahakari Samiti Maryadit, Kadari and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit that applicant is not a public servant, as such, no offence is made out against him. He would further submit that he is not employed in the Sewa Sahakari Samiti Maryadit, Kadari and he never made any entry in the computer even computer has not been seized from him. He would further submit that applicant is in jail since 12/12/2015 and no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed, therefore, he may be released on bail.

4. Learned State counsel would oppose the prayer

for grant of bail and submit that there is evidence on record that applicant was employed by main accused Ashok and in that capacity; he made entry in the computer and thereby committed breach of trust.

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

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; evidence about employment and considering the huge money said to be siphoned away, I am not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE