

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 706 of 2016**

1. Shivshankar Patley, S/o Sabar Sai Patley, aged about 40 years,
2. Sati Anusuiya, W/o Shivshankar Patley, aged about 35 years,

Both are R/o Village – Beltukri, P.S.-Balauda, Tahsil -Baluda, District Janjgir-Champa (C.G.)

---- Applicants**Versus**

State Of Chhattisgarh: Through Station House Officer,
Police Station-Balauda, Distt. Janjgir-Champa (C.G.)

-----Non-applicant

For Applicants:	Mr. Awadh Tripathi, Advocate.
For Respondent/State:	Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****23/02/2016**

Heard.

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.216/2014 registered at Police Station Baluada, Distt. Janjgir-Champa (C.G.) for the offences punishable under Sections 420 & 409 read with Section 34 of the Indian Penal Code.

(2) Case of the prosecution in brief is that applicant along with

two other co-accused persons have committed embezzlement of Rs. 3,06,200/- in between 6.4.2010 to 24.06.2014 during which applicant No. 2 was Sarpanch of Village Beltukri .

(3) Counsel for the applicants submits that there is delay in lodging the First Information Report as the incident had occurred in between 6.4.2010 to 24.06.2014 whereas FIR has been lodged 26.07.2014 and there is no explanation for such delay and the applicants have already executed to work assigned to them. He further submits that Sub Divisional Officer has removed the applicant No. 2 from the post of Sarpach vide order dated 17.11.2014 for committing abovesaid embezzlement but the same has been set aside by the Collector vide order dated 27.07.2015; and the applicants are in detention since 12.01.2016 and, therefore, the applicants may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case, further considering the extent of delay in lodging the FIR; order passed by the quasi judicial authority; and the fact that applicants are in detention since 12.01.2016; this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the bail application is allowed.

(6) Accused/applicants – **Shivshankar Patley & Sati Anusuiya** are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one

surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-