

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4771 of 2016

Madhuker Shande, S/o. Domaji Shande, Aged About 65 Years,
Occupation Retired Employee, R/o. Ward No.3, Pantra Niwas,
Dongargarh, Civil & Revenue District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer- City Kotwali, Durg,
Civil & Revenue District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Punit Ruparel, Advocate

For Respondent : Mr. Neeraj Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23.08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.488/2016 registered at Police Station- City Kotwali, Durg, District Durg (C.G.) for the offence punishable under Sections 408, 409, 420, 467, 468 of Indian Penal Code.
2. As per the prosecution case, the applicant while working in a capacity of Liquidator of Priyadarshani Housing Board has executed sale of 9 plots which were mortgaged to Aawas Sangh Raipur and some part of the amount was deposited in the Aawas Sangh, however, rest of the amount was misappropriated and despite the fact that the plot was mortgaged, it was sold. It is the further case that out of 9 plots, the amount of 6 plots were not deposited and thereafter the said plots were shown to be made free.

3. Learned counsel for the applicant would submit that the sale was made subject to charge and even the mortgaged plots are sold it will not amount to criminality and all the evidences are documentary in nature, therefore, no further investigation would be necessary and the applicant has already retired 6 years back, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Taking into the nature of transaction primary allegation is stated that the mortgaged plots were sold and few of the deposits were not made. Considering the fact that all the evidences are documentary in nature and further taking into the fact that the applicant is 65 years old retired employee, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge