

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1156 OF 2016**

Pratap Singh Kashyap aged about 48 years S/o Dhansingh Kashyap R/o village Selar Thana Seepat District Bilaspur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through District Magistrate Bilaspur (C.G.)

---Non-applicant

For Applicant	:	Mr. Arvind Shrivastava, Advocate
For Non-applicant	:	Mr. Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/03/2016**

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. 293/2015, registered at Police Station Ratanpur, District Bilaspur (C.G.), for the offence punishable under Sections 419, 420, 34 of IPC.

2. Case of the prosecution, in brief, is that, 200 quintal

paddy was taken out from Seva Sahkari Samiti Maryadit, Bharari, Ratanpur to be uploaded on Durg Rice Mill, Bilha but the same was not uploaded therein thereby embezzlement was committed by present applicant and other co-accused persons.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that paddy in question has not been recovered from his possession and it has been recovered from an open place at village Lakhram near Anicut. He would further submit that charge sheet has been filed and applicant is in jail since 18/01/2016 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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; role of the present applicant; charge sheet has already been filed and applicant is in jail since

18/01/2016, this Court is of the opinion that present is the 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 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/-

(Sanjay K. Agrawal)
Judge