

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1586 of 2016

1. Rajulal Dewangan, S/o. Samhaliya Ram Dewangan, Aged About 38 Years, R/o. Village Mahmara, Police Station Pulgaon, District Durg, Chhattisgarh.
2. Santosh Kumar Sahu, S/o. Late Udho Prasad Sahu, Aged About 33 Years, R/o. Gaya Nagar, Near Clinic Of Dr. P.S. Sao, Police Station Kotwali, District Durg, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Police Station- Pulgaon, District Durg, Chhattisgarh

---- Respondent

AND

MCRC No. 1630 of 2016

1. Sukumar Bhattacharya, S/o. Sunil Bhattacharya, Aged About 41 Years, R/o. Gaya Nagar, Durg, Police Station Durg Kotwali, Tahsil & District Durg, Chhattisgarh.
2. Himanshu Vegad, S/o. Dilip Vegad, Aged About 28 Years, R/o. Budhwari Para, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station- Pulgaon, District Durg, Chhattisgarh

---- Respondent

For Applicants : Dr. N.K.Shukla, Senior Advocate with Mr. B.P. Singh, Advocate for the Petitioners.

For Respondent : Mr. Arun Sao, Dy. A.G. for the State.

For Objector : Mr. Anurag Dayal Shrivastava, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

16.05.2016

1. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.610/2015, registered at Police Station Pulgaon, District Durg

(C.G.) for the offence punishable under Section 420, 467, 468, 471, 406 & 120(B) of Indian Penal Code.

2. Case of the prosecution, in brief, is that the applicant Sukumar Bhattacharya is an Administrative Officer, applicant Santosh Kumar Sahu is a Lower Division Clerk and applicant Rajulal Dewangan & Himanshu Vegad are the Accountant of the Apollo Nursing College Anjora, Durg. It is alleged that they have embezzled the amount of Rs. 99,55,899/- during the period 01.04.2011 to 04.08.2015. The amount was shown to be recovered from the students and yet it was not deposited with the management of the College.
3. It is argued on behalf of the applicants that they are working in the College since 2002 onwards and they have not committed any crime as reported to the police. It is further argued that they have been arrested on 28.11.2015 and 15.01.2016; thus, they have remained in jail for about 5-6 months and the offences are triable by Judicial Magistrate First Class. The investigation being complete and if the charge sheet has already been filed, no useful purpose would be served by keeping the applicants in jail.
4. Learned State counsel as well as learned counsel for the objector would strongly oppose the bail application. Learned State counsel would submit that during the relevant period, 157 receipt books were issued to the applicants. They shown to have recovered Rs. 10.90 Crore approximately from the students out of which an amount of Rs.8.59 Crore approximately was deposited with the College and Rs.1.52 Crore approximately was the cash expenses. Thus, an amount of Rs.78 Lacs approximately was embezzled. In addition to this, applicants have issued fake receipts to the students for a sum of Rs.14.66 Lacs approximately and additional amount of

Rs.6,09,200/- was recovered from the students but no receipts were issued to them. The total embezzled sum thus stands at Rs.99,55,899/-. Since the applicants are involved in embezzlement of huge amount, which is almost of Rs.1 Crore they are not entitled to be released on bail because even if the offence is triable by Judicial Magistrate First Class, it is a serious offence involving huge amount.

5. It appears that the period of embezzlement is from 01.04.2011 to 04.08.2015. It is the matter of common knowledge that the accounts of the College is subjected to audit every year. Whether or not, the applicants would be found guilty would be determined at the end of the trial. For the present, it is to be kept in mind that the offence is triable by Judicial Magistrate First Class. The applicants have been working from the College since 2002 onwards. They are in jail for about 5-6 months and the charge sheet has already been filed.
6. For all the above stated reasons, this Court is inclined to release the applicants on bail.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed and it is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.1,00,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Prashant Kumar Mishra)
Vacation Judge