

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.6091 of 2015**

Samay Lal, son of Anuroop, aged about 25 years, working on the post of Assistant Clerk, Samiti Govindpur, District Surajpur, resident of village Narola, police station Ramkola, Tahsil Pratappur, District Surajpur (CG)

---Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Ramkola, District Surajpur (CG)

---Non-applicant

For Applicant	:	Mr. V.K.Pandey, Advocate
For Non-applicant	:	Mr. O.P.Sahu, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

22/01/2016

1. This is the second 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.19/2015, registered at Police Station-Ramkola, District-Surajpur (C.G.), for the offence punishable under Sections 409 and 420 read with Section 34 of the IPC.
2. First bail application of the applicant has been dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet.
3. Case of the prosecution, in brief, is that the applicant and co-accused persons have misappropriated 93.97 quintals of paddy amounting to ₹1,30,200/- from Adim Jati Seva Samiti Maryadit, Govindpur and thereby committed the aforesaid offences.
4. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in offence in question. He was simply clerk at the relevant time and offence has been

committed by other co-accused persons i.e. Manager and Computer Operator. He is in custody since 11.8.2015 i.e. for more than five months, charge-sheet has already been filed and no further interrogation is required to be taken.

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

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

7. 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; the fact that he was clerk in the Samiti, his pre-trial detention, the fact that charge-sheet has already been filed and no further interrogation is required, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, second bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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.

10. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-