

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1765 of 2016

Ashwani Kumar Tripathi, S/o Lalji Tripathi, aged about 61 years, R/o Ramhepur Lormi, Ward No.14, Police Station Lormi, Civil District Bilaspur, Revenue District Mungeli (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through P.S. Lalpur, District Mungeli (C.G.)

---- Non-applicant

For Applicant:	Mr. Sandeep Yadav, Advocate.
For Non-applicant:	Mr. Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

31/03/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.217/2015, registered at Police Station Lalpur, Distt. Mungeli, for the offence punishable under Section 409 of the IPC and 3/7 of the Essential Commodities Act.
2. Case of the prosecution, in brief, is that the applicant while working as Salesman in Fair Price Shop, Chandeli, in the year 1999-2000, embezzled Rs.3,34,634-95 ps. and committed criminal breach of trust.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, charge-sheet has been filed after 15 years which is per se illegal and bad in law. Services of the applicant have already been dispensed with, the applicant is suffering since then and case for

recovery has also been dismissed for want of prosecution. The applicant is in jail since 3-1-2016.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, extent of delay in filing charge-sheet, the applicant is in jail since 3-1-2016 and no custodial interrogation of the applicant is required, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that applicant Ashwani Kumar Tripathi 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge