

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2681 of 2016

- Om Prakash Dhimer S/o Raja Ram Dhimer Aged About 29 Years R/o Behind New Basant Talkiez, Pragati Nager Ward No. 21, Bhilai Tehsil & District Durg Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through : Station House Officer, Supela, Bhilai, District Durg Chhattisgarh

---- Respondent

For the applicant	:	Mr. Anurag Jha, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.190 of 2016 registered at P.S. Supela, Distt. Durg (C.G) for the offence punishable under Section 406 of IPC.
2. As per the prosecution case, a report was made by complainant Rajkumar that the applicant was working in his shop and recovered the sale proceeds from different purchasers to the tune of Rs.6,70,000/- and thereafter did not hand over the money to the complainant thereby the offence is committed.
3. Learned counsel for the applicant submits that it is improbable to say that the receipts would not be issued when large amounts are received from different purchasers

to the tune of Rs.6,67,000/-. He further submits that the applicant has not committed theft of any amount but when applicant had gone to Police Station to make report, the police did not register any case instead against this applicant, an offence u/s 406 has been registered. He further submits that the charge sheet has been filed and the applicant is in jail since 27.02.2016, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and documents.
6. Considering the facts and circumstances of the case and degree of allegations levelled and the role attributed to the applicant as also the fact that the charge sheet in this case has been filed and the applicant is stated to be in jail since 27.2.2016, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE