

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3936 of 2016

Biharilal Napit S/o Shri Babulal Napit, Aged About 37 Years, Officer
Address, Commandant C T J W College Colony Quarter No. H-
14/4, Kanker Thana, Tahsil And District U.B. Kanker, Chhattisgarh
(In Jail).

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kanker, District U.B.
Kanker Chhattisgarh.

---- Respondent

For applicant - Dr. Rajesh Pandey, Advocate.
For Respondent/State – Shri Satish Gupta, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/07/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.418/2015 registered in Police Station Kanker, District Kanker (C.G.) for offence punishable under sections 409/34 of Indian Penal Code.
2. As per the prosecution case, a letter was served to CTJW Canteen that from 1/07/2013 to 10/10/2015 a supply of Rs.1,38,74,640/- was made from Master Canteen. As against that only Rs.1,16,33,072/- was paid. Therefore, total amount of Rs.23,79,609/- was not accounted for and the applicant along with other co-accused have been alleged that they have misappropriated the amount and not paid the amount to the Master Canteen.
3. Learned counsel for the applicant submits that the applicant was posted in the canteen on 30/06/2014 and prior to that the amount was outstanding which would be evident from Annexure A-4 and therefore the applicant cannot be held liable to have misappropriated the goods and

only allegation that the applicant has admitted the fact that he will make good the amount, therefore he has been inculpated. He submits that charge sheet has been filed, no further evidence is required, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents. Considering the fact that charge sheet in this case has been filed and all the evidence are documentary in nature, taking into degree of allegation, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE