

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4709 of 2016

- Brijlal Bisi S/O Laboram Bisi Aged About 42 Years R/O Village Madagaon, P.S. - Devbhog District - Gariyabandh Chhattisgarh

---- **Applicant**

Versus

- State Of Chhattisgarh Through : P.S. Devghog District - Gariyabandh Chhattisgarh

---- **Respondent**

For Applicant : Mr. Sourabh Dangi, Advocate
For Respondent/State : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22-08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 23-09-2015 in connection with Crime No. 42 of 2015, registered at Police Station Devbhog, District Gariaband (CG) for the offence punishable under Sections 409, 420, 467, 468, 471 and 120-B of the IPC.
2. Case of the prosecution, in brief, is that the applicant along with other co-accused persons namely Ghanshyam Yadu, Ghasiram Yadu, Tulsi Ram Diwan, Gulab Yadu and Kumud Kumar Sahu in the year 2013-2014 committed certain irregularities being the officer bearers of the Prathmik Krishi Sakh Sahkari Samiti Maryadit, Jhakharpara, District Gariyaband and embezzled an amount of Rs.4,01,96,145/- (24,966.55 quintals of paddy) and thereby committed the offence.
3. Learned counsel appearing for the applicant would submit that a report was made after enquiry was conducted by the State and the enquiry report which is placed on record along with this bail

application would show that no crime has been attributed to this applicant. He would further submit that out of total 42 witnesses only one witness has been examined so far, therefore, considering the delay the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposing the prayer for grant of bail would submit that the case of the present applicant is similar to the case of other co-accused persons whose bail applications have been dismissed vide order dated 5-4-2016 passed by co-ordinate Bench of this Court in M.Cr.C. Nos.1306 of 2016, 1337 of 2016 and 1355 of 2016. It is further submitted by the State counsel that on the memorandum of the present applicant bank records and one agreement were seized which is a part of the record which would show that the applicant was involved in the crime in question.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, the manner in which the offence was committed and considering the memorandum of the applicant and also the fact the bail applications of similarly placed other co-accused persons have been dismissed by co-ordinate Bench of this Court, I am of the considered opinion, prima facie, that it is not a fit case where the applicant can be released on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju

