

HIGH COURT OF CHHATTISGARH, BILASPUR**Order reserved on: 09.11.2016****Order delivered on : 28.11.2016****M.Cr.C.No.4574 of 2016**

Rohit Ku. Patel, S/o Jagat Ram Patel, aged about 38 years, R/o Village Pirda, Represented through Devendra Ku. Patel, S/o Jagat Lal Patel, Aged about 36 years, R/o. Village Pirda, Post Pirda, Tehsil Pithora, P.S.-Basna, District Mahasamund (CG)

---Applicant**Versus**

State of Chhattisgarh, Through-Police Station-Basna, District-Mahasamund (CG)

---Non-applicant

For Applicant	:	Mr.Kishore Bhaduri, Advocate
For Non-applicant	:	Mr. P.K.Bhaduri, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order (C.A.V.)**

1. This is the first bail application 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.182/2015, registered at Police Station-Basna, District-Mahasamund (CG), for the offence punishable under Sections 420 and 409 of the IPC.
2. Case of the prosecution, in brief, is that the applicant while working as Manager of Gramin Seva Sahkari Samiti Maryadit, Pirda found shortage in the society in purchase of paddy in the year 2012-13 and 2013-14 amounting to ₹ 1,29,13,760/-
3. Learned counsel for the applicant would submit that the

applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that charge-sheet has already been filed on 14.6.2016, the applicant is in jail since 28.3.2016, he is only Assistant Grade-III since 2002 and no seizure has been made against him. He has already deposited ₹ 8 lacs and there is no allegation of misappropriation against him. He would also submit that order dated 3.7.2015 has already been set aside by the Chhattisgarh Cooperative Tribunal, Bilaspur by order dated 8.9.2016. The applicant cannot be made responsible for shortage found in the society and shortage is less than 1% which occurs due to moisture as prescribed as per rules. Charges have not been framed as yet and it is likely to take sometime. Therefore, the applicant may be released on regular bail.

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

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

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, taking into consideration the extent of paddy which was found shortage amounting to ₹ 1,29,13,760/-, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-