

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4783 of 2016

Devendra Kumar Sahu, S/o Shri Gopal Prasad Sahu, aged about 28 years, Caste Sahu, R/o Village Khamhariya, P.S. Baradwar, District Janjgir-Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the District Magistrate, Janjgir-Champa (C.G.)

---- Non-applicant

For Applicant:	Mr. N.K. Chatterjee, Advocate.
For Non-applicant:	Mr. Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

21/09/2016

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.113/2014, registered at Police Station Baradwar, Distt. Janjgir-Champa, for the offence punishable under Sections 420, 409, 418 and 120B read with Section 34 of the IPC.
2. This is the second bail application filed on behalf of the applicant for grant of regular bail. First bail application has been dismissed as withdrawn by this Court vide order dated 31-3-2016 passed in M.Cr.C.No.1768/2016 with liberty to repeat after material prosecution witnesses are examined.
3. Case of the prosecution, in brief, is that the present applicant along with two other co-accused persons from 6-11-2013 to 27-1-2014 misappropriated Rs.19,33,128/- in Paddy Collection Centre,

Darrabhata.

4. Learned counsel for the applicant submits that first bail application of the applicant was rejected granting liberty to press the application after examination of material prosecution witnesses and thereafter, Vinod Kumar Tiwari, Senior Co-operative Inspector (Retd.), as well as Raghuvir and two other witnesses have been examined in which the prosecution has failed to establish that the applicant was ever appointed as In-charge of the Paddy Collection Centre. Gopal Prasad, co-accused similarly situated, has already been granted bail by this Court in M.Cr.C.No.3665/2015 on 4-8-2015 and there are 38 prosecution witnesses. Trial is likely to take sufficient time for their examination. The applicant is in jail since 29-2-2016. Since the trial has commenced after filing of charge-sheet, no useful purpose will be served by further detaining the applicant in jail.
5. On the other hand, learned State counsel opposes the application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, pretrial detention of the applicant, examination of prosecution witnesses has commenced, trial is likely to take some time and co-accused Gopal Prasad – father of the present applicant had already been granted bail by order dated 4-8-2015 passed by this Court in M.Cr.C.No.3665/2015, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
8. It is, therefore, directed that the applicant 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

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