

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5447 of 2016

1. Jogendra Prasad Kushwaha, S/o. Sudama Kushwaha, aged about 27 years, R/o. Village- & Post Sirsi, P.S. - Surajpur, District – Surajpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : S.H.O., Police Station – Batouli, District – Sarguja (C.G.)

---- Respondent

For Applicant : Mr. J.K. Shastri, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

28/09/2016

1. This is the first bail application filed 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.90/2015, registered at Police Station – Batouli, District – Sarguja (C.G.) for the offence punishable under Section 420, 120-B, 467, 468, 471, 34 of the Indian Penal Code, 1860.
2. As per prosecution case, the applicant had floated a NGO namely Swasthay Wa Shiksha Avam Samaj Kalyan Samiti at Surajpur. Certain cheques bearing No.273617, 273620 and 273623 were stolen from Janpad Panchayat Batouli in the month of January, 2015. By said cheque an amount of Rs.27.00 lakhs was deposited in the account of NGO. Subsequently, the said amount was transferred from the account of NGO to the private accounts, wherein Noor Mohammad, Latif Ahmad and Khurshid Alam were

benefited. During the investigation it was found that said Khursid Alam, Noormohammad and Latif Ahmad have withdrawn the amount.

3. Learned counsel for the applicant submits that the applicant in fact was initially managing the affairs of the NGO. Subsequently, he having been selected in the police, the entire management was given to Khursid Alam, who had done the mischief, therefore, as per the document Annexure P/4 filed along with the petition, the applicant has been falsely implicated in this case. Therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Case diary also contains certain documents of transfer of amount, which were made by NEFT form, where the amount from NGO was transferred to the different persons, which bears the signature of the present applicant. Considering the same and the way the amount has been misappropriated, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge