

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6035 of 2016

1. Sushil Kumar Sharma, S/o. Shri Bahorik Lal Sharma, aged about 46 years, R/o. Village- Devrikala, Outpost- Sakri, P.S. - Chakrabhata, District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Officer Incharge Chowki – Sargaon, P.S. - Pathariya, District – Mungeli (C.G.)

---- Respondent

For Applicant	: Mr. Anand Shukla, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/10/2016

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.199/2015, registered at Police Station – Pathariya, (Chowki- Sargaon), District – Mungeli (C.G.) for the offence punishable under Section 409 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Branch Manager, Zila Sahakari Kendriya Bank Maryadit, Sargaon that on 19.06.2013 in the branch office, when the physical verification of the cash was made, Rs.8,16,593/- was found short which did not tally with the accounts. Subsequently after investigation, the applicant who was the in-charge of the cash was charge-sheeted and terminated from the services and the report was made eventually on 28.08.2015 and the applicant was arrested

on 05.04.2016. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that though the audit was carried out on 17.06.2013 and no short of cash was found, which would show that the applicant has been falsely implicated in this case. It is further submitted that charge-sheet in this case has been filed and no further investigation is necessary and the incident is of the year 2013, 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. Considering the facts and circumstances of the case, charge-sheet in this case has been filed and further considering the fact that all the evidence in this case appears to be documentary in nature, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall 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 trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge