

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6592 of 2016

1. Upendra Singh, S/o. Basant Singh, aged 45 years, R/o. Village-Kherpur, Raigarh, Tahsil and District – Raigarh (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Station House Officer, Police Station : Punjipathara, District – Raigarh (C.G.)

---- Respondent

For Applicant : Mr. Samir Shrivastava, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2016

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.80/2016, registered at Police Station – Punjipathara, District – Raigarh (C.G.) for the offence punishable under Section 406 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant was working as Supervisor in firm of the complainant Umesh Goyal at Raigarh from 2013 to 2016, which was engaged in transportation business. In the May, 2016 when the accounts were checked it was found that the applicant has committed criminal breach of trust and an amount of Rs.30.00 Lakhs has been misappropriated. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and charge-sheet in this case

has been filed and the applicant is in jail since 05.09.2016 and no further investigation is necessary. 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, the nature of offence and the degree of allegation levelled against the applicant and further considering the fact that all the evidences in this case are documentary in nature, offence is triable by JMFC, charge-sheet in this case has been filed and further considering the detention of the applicant, 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