

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6666 of 2016

1. Raghvendra Kashyap, S/o. Shri Ramadhara Kashyap, aged about 31 years, R/o. Village-Chandipara Police Station & Tahsil : Pamgarh, District – Janjgir-Champa (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through: Station House Officer, Police Station : Pamgarh, District – Janjgir-Champa (C.G.)

---- Respondent

For Applicant : Mr. Gurudev I. Sharan, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

17/11/2016

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.380/2014, registered at Police Station – Pamgarh, District – Janjgir-Champa (C.G.) for the offence punishable under Section 409 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant in the capacity of paddy in-charge center committed embezzlement of 8090.50 quintals of paddy amounting to Rs.1,25,50,000/-. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the entire loss was been because of natural calamity and giving shelter to some of the

other officers, the applicant has been inculpated. It is further submitted that the witnesses have been examined and they have not deposed anything against the present applicant and the applicant is in jail since 06.08.2015. 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 and would submit that out of 30 witnesses, 23 witnesses have already been examined.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the witnesses attached along with the bail application, at this stage any observation made by this Court would amount to evaluate the entire case on merits by usurping the power of trial while hearing the bail. Taking into the fact that out of 30 prosecution witnesses, 23 prosecution witnesses have already been examined, I am not inclined to evaluate the entire evidence, which may prejudice either to prosecution or accused. In view of the above fact 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