

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7213 of 2016

- Sheetal Prasad Verma S/o Bhuneshwar Verma Aged About 25 Years R/o Village Sidhauri, Police Station Rajim, Tahsil Rajim District Gariyaband, Chhattisgarh, Mo. 8305923449.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Police Station Civil Lines, Raipur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. N. Naha Roy, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21-12-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 22-9-2014 in connection with Crime No. 544 of 2014, registered at Police Station Civil Lines, Raipur (CG) for the offence punishable under Sections 406, 409 of the IPC.
2. Case of the prosecution, in brief, is that the applicant was operator of ATP machine which was used for collection of electricity charges. In the year 2014 one ATP machine was stalled at Mana Camp and it was found that the applicant had committed misappropriation of the amount of ATP machine. During investigation it was found that one key of ATP machine which was stalled at Civil Lines was recovered from the possession of the applicant and after opening the ATP machine an amount of Rs.85,280/- was found to be shortage and thereafter FIR was

registered against the applicant on 12-9-2014 and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant is in jail since 22-9-2014 in the present case. In earlier case the applicant was convicted on 30-8-2016 as per Annexure A/2 in which one year sentence was imposed which he has already undergone. In the present case, no substantial progress has been taken place despite the direction of the Sessions Judge which would be evident from the order sheet dated 16-9-2016 and still the witnesses are to be examined and the trial is not concluded. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 22-9-2014 and no further investigation is required, therefore, he may be released on bail.
4. State counsel was directed to verify about the progress of the trial. He has reported that the complainant Laxman Nishad has been examined on 11-5-2016 and other nine witnesses are still to be examined.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the order sheet dated 16-9-2016 of JMFC and also earlier order of conviction dated 30-8-2016.
7. Taking into consideration the facts and circumstances of the case, nature of allegations and degree of offence, considering the statement of witness Laxman Nishad and further considering the fact that the trial has not concluded within the stipulated period as was directed by Sessions Judge and the applicant is in jail since 22-9-2014, this court is inclined to release the applicant on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju