

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7616 of 2016

- Premchand Kaushik S/o Ram Kumar Kaushik Aged About 43 Years
R/o Village Bawli, Police Station Pathariya, District Mungeli
Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through : The Station House Officer, Police
Station Pathariya, District Mungeli Chhattisgarh

---- Respondent

For Applicant : Mr. Uttam Pandey, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30-11-2016

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 10-8-2016 in connection with Crime No. 112 of 2014, registered at Police Station Pathariya, District Mungeli (CG) for the offence punishable under Section 409/34 of the IPC.
2. Case of the prosecution, in brief, is that in the 2013 the applicant while working as President of Zila Sewa Sahkari Samiti, Dhardei, along with Mohan Patel, Manage, of the Bank had misappropriated an amount of Rs.13,38,490/- which was disclosed when the audit was carried out.
3. Learned counsel appearing for the applicant would submit that the applicant was working as President in the society and he was not responsible for day to day affairs of the Bank and daily transaction was carried by the Manager, Mohan Patel and only on

the basis of the audit report, the applicant has been arrested. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 10-8-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents. Prima facie, it appears that the applicant was working as a President of the Co-operative Bank.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact the evidence appears to be documentary in nature also the fact that charge-sheet in this case has been filed and the applicant is in jail since 10-8-2016, this court is inclined to release the applicant on bail.
7. 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