

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 56 of 2017

Ishwar Singh Netam, S/o. Late Shri Nohar Singh Netam, aged about 56 years, Caste-Gond, R/o. Village – Kanapod, Police Station and Tahsil Charama, District – Uttar Bastar Kanker (C.G.), Civil and Revenue District – Kanker.

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Incharge, Police Station – Charama, District – Uttar Bastar Kanker (C.G.)

---- Respondent

For Applicant	:	Mr. Sandeep Shrivastava, Advocate
For Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

17/01/2017

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 in connection with Crime No.52/2012, registered at Police Station- Charama, District – Kanker (C.G.) for the offence punishable under Section 420, 409, 406 & 477 (A) of I.P.C..
2. Case of the prosecution in brief is that a report was made by O.P. Sharma in the year 2008 that the applicant along with other co-accused have misappropriated certain amount i.e. Rs.93,47,258/- under different training. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the charge-sheet in this case has been filed, the applicant is in jail since 29.02.2016 and the coordinate Bench of this Court in M.Cr.C. No.7869/2016 vide order dated 23.12.2016 has granted bail to the co-accused on the ground of delay as there is no substantial progress in the trial, therefore, the applicant may also be released on bail.
4. On the other hand, learned State counsel opposes the bail application,

however, he do not dispute the fact that similarly placed co-accused has been enlarged on bail.

5. I have heard the learned counsel for the parties.
6. Considering the facts and circumstances of the case and further taking into the fact that similarly placed co-accused in this case has been enlarged on bail by the coordinate Bench of this this Court vide order dated 23.12.2016 in M.Cr.C. No.7869/2016, 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 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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