

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 322 of 2017

Durgesh Prasad Gupta, S/o. Krishna Prasad Gupta, aged about 28 years,
R/o. Nawasdihi Kala, Police Station – Chando, District – Balrampur –
Ramanujganj (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Officer, Police Station –
Chando, District – Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicant	:	Mr. Vivek Tripathi, Advocate
For Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

21/02/2017

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 on 26.09.2016 in connection with Crime No. 01/2014, registered at Police Station- Chando, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 409 of the Indian Penal Code.
2. As per prosecution case, in the year 2012-13, when the applicant was posted as Assistant Manager/Incharge of Paddy Collection Center, Chando he had purchased 29463.15 quintals of paddy from different farmers, but delivered only 26697.11 quintals of paddy to the miller whereby he misappropriated 2766.04 quintals of paddy.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, charge-sheet has been filed, no further investigation is necessary and the applicant is in jail since 26.09.2016,

therefore, he may be enlarged on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard the learned counsel for the parties perused the case diary and the documents wherein direct allegations have been attributed to the present applicant.
6. Taking into consideration the submission which has come in the case diary, particularly the nature of allegations levelled against the applicant more particularly the value of the paddy misappropriated at the behest of the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(P. Sam Koshy)
Judge