

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 529 of 2017

- Deepak Mishra @ Sushil S/o Shri Tribhuwan Nath Mishra Aged About 34 Years R/o Gargpur, (Sitaram Purwa), Police Station-Badausa, District Banda, Uttar Pradesh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Urla, District Raipur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Vimlesh Bajpai, Advocate

For Respondent/State : Mr. Avinash Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-02-2017

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 15-12-2016 in connection with Crime No. 103 of 2016, registered at Police Station Urla, District Raipur (CG) for the offence punishable under Section 408 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Kulwant Singh that the applicant was working as Driver in his Truck and received an amount of Rs.70,400/- from the consignee and thereafter he fled away without giving it to the complainant and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case and monetary dispute is existing between the parties. He would further submit that charge-sheet has been filed in this case, the applicant is in jail

since 15-12-2016 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 documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that the charge-sheet has been filed and the applicant is in jail since 15-12-2016, I am 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