

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1498 of 2017

- Nemichand Kesharwani S/o Shri Puniram Kesharwani, Aged About 42 Years R/o Bhatgaon, Tahsil Bilaigarh, Police Station Bilaigarh, District Balodabazar Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh Through District Magistrate, District Balodabazar Chhattisgarh

---- **Respondent**

For Applicant : Mr. Varun Sharma, Advocate

For Respondent/State : Mr.D.R. Minj, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22-03-2017

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 11-1-2017 in connection with Crime No. 114 of 2015 registered at Police Station Bilaigarh, District Balodabazar (CG) for the offence punishable under Section 409 of IPC.
2. As per prosecution case, in the year 2009 to 2011 the applicant while working as Post Master in Rural Branch Junwani, Tahsil Bilaigarh although collected amounts of various Government schemes such as old-age pension schemes, social security pension, but he did not deposit the same in the account of Post Office whereby misappropriation of Rs.2,70,600/- came to fore.
3. Learned counsel appearing for the applicant would submit that delay in depositing the amount was caused due to single man in the office, subsequently, the applicant had deposited an amount of

Rs.2,09,600/- and Rs.1,17,000/-, total Rs.3,26,600/- in the account of Post Office which is evident from Annexure P/4. He would further submit that trial may take some time for its final disposal, charge-sheet has been filed in this case, the applicant is in jail since 11-1-2017 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. From perusal of the documents it appears that the applicant had deposited total amount of Rs.3,26,600/ and the evidence appears to be documentary in nature.
6. Taking into consideration the facts and circumstances of the case, the incident is of 2009 and 2011 and further considering the fact the evidence appears to be documentary in nature, charge-sheet in this case has been filed and the applicant is in jail since 11-1-2017, 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

