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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1630 of 2017

- Ashok Singh S/o Shri Shivratan Singh, Aged About 45 Years R/o Village Lachhanpur,police Station Baradwar, District Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through: The Station House House In-Charge, Police Station- Baradwar, District- Janjgir- Chama , Chhattisgarh.

---- Respondent

For Applicant : Mr. Sourabh Sharma, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-03-2017

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 22-7-2015 in connection with Crime No. 213 of 2015, registered at Police Station Baradwar, District Janjgir Champa (CG) for the offence punishable under Section 409/34 IPC.

2. Case of the prosecution, in brief, is that on 22-7-2015 a report was made by the complainant that when physical inspection was made at the Paddy Procurement Centre, Kodari on 18-5-2014, it was found that 4557.22 quintals of paddy was missing which caused loss of Rs.72,38,205/- to the State. It is alleged that the said embezzlement of paddy was made with the connivance of other employees of the paddy procurement centre and the applicant was one of them.

3. Learned counsel appearing for the applicant would submit that the applicant was a salesman in paddy procurement centre and even In-charge of the paddy procurement centre has not been inculpated. He would further submit that offence is triable by Judicial Magistrate First Class, charge-sheet has been filed in this case, the applicant is in jail since 22-7-2015 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. The evidence appears to be documentary in nature.

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 evidence appears to be documentary in nature, the charge-sheet in this case has been filed, the applicant is in jail since 22-7-2015 and no further investigation is necessary, 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