

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3185 of 2017**

- Heeralal Sinha S/o Purru Sinha @ Umendi Ram Sinha, Aged About 55 Years R/o Village- Nartora, Police Station Chhura, Manager, Primary Sewa Sahakari Samiti Borli, Tahsil - Rajim District Gariyanand, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through: Station House Officer, Police Station Chhura, District - Gariyaband, Chhattisgarh.

**---- Respondent**

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**MCRC No. 5545 of 2017**

- Sonsai Dhruv S/o Late Amar Singh Dhruv, Aged About 68 Years R/o Village Bhaisamuda, Post Office & Police Station Chhura, District Gariyaband, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through The Station House Officer Police Station Chhura, District Gariyaband, Chhattisgarh.

**---- Respondent**

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For Applicants : Mr. Vikas Pradhan and Shivendu Pandya,  
Advocates.

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**25/10/2017**

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.

2. Both applications are applicant's first bail applications filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicants who have been arrested in connection with Crime No. 20/2016, registered at Police Station- Chhura, District – Gariyaband (C.G.) for the offence punishable under Sections 420, 421, 408, 409, 407, 467, 468 and 120-B of Indian Penal Code (for short 'IPC'). As informed that the case is investigated and charge-sheet has been filed before the Court of JMFC, Gariyaband, hence, both the applications are decided by this common order.
3. Learned counsel for the applicants submits that applicants Heeralal Sinha in MCRC No.3185 of 2017 was Manager of the Adim Jati Sahkari Samiti, Dulla and applicant Sonsai Dhruv was the President of said Samiti. This Samiti was operating a Branch of Co-operative Bank at Chhura. It is submitted, that as per contents of the charge-sheet, the main accused in this case are Lav Kumar Thakur and Rekhram Dhruv employed in the bank, who have defalcated amount to the tune of Rs. 45 lakhs. Applicant in both the cases had no role to play this defalcation. The audit report seized by the police in the investigation shows that Lav Kumar Thakur and Rekhram Dhruv were personally responsible for the defalcation and further, Lav Kumar Thakur and Rekhram Dhruv had admitted the allegations that they were responsible for the defalcation committed and as per the information received the amount defalcated has been deposited back in the bank. Applicants are in jail since 13.4.2017 and yet the trial has not commenced, hence, prayed that applicants be enlarged on bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that in the

memorandum statements of the applicants Sonsai Dhruv and Heeralal Sinha, both have given statements before the police under Section 27 of the Evidence Act admitting the commission of offence and there is further proof that all the accounts registers and other documents through which defalcation was committed has been certified by these 2 applicants, hence, they are not entitled for grant of bail.

5. Heard both the parties and perused the case diary.
6. Considering the submissions made and on the merit of the case and this fact that applicants are in jail since 13.4.2017 and the trial has not yet commenced, no purpose would be served if the applicants are kept in detention till the conclusion of trial, hence, it is a fit case for grant of bail.
7. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
8. Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge