

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4200 of 2017

Jagatdev Prasad Sahu S/o Dhanauram, Aged About 45 Years R/o Saraswati Nagar, Infront Of Vedanta School, Ward No. 14, Kumhari, Tahsil Dhamdha, Civil & Revenue District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kumhari, Civil & Revenue District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Pritha Ghoshal, Advocate
For State	:	Shri Avinash Singh, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/11/2017

Heard.

1. The applicant has been arrested in connection with Crime No.46 of 2017 registered in Police Station- Kumhari, Durg (C.G.) for alleged commission of offence under Section 408 IPC.
2. Case of the prosecution, in brief, is that while working as Clerk in the petrol pump, the applicant, after selling oil, misappropriated Rs.1,37,000/- of the complainant.
3. Learned counsel for the applicant submits that the allegation is false. The applicant has not misappropriated any money and because of some dispute with the owner, he is being falsely implicated. It is further submitted that the investigation is complete and charge sheet has also been filed. The applicant is not likely to abscond nor in a position to tamper with the

prosecution witnesses, therefore, at this stage, he may be released on bail.

4. On the other hand, learned counsel for the State, opposing the bail application, submits that there is prima facie material to show that the applicant misappropriated Rs.1,37,000/-, therefore, he is not entitled to grant of bail.
5. Taking into consideration the submissions made by learned counsel for the parties, considering the nature of allegation, amount alleged to be involved and that the applicant is in jail since 30.5.2017, investigation is complete and charge sheet has been filed and that the applicant is not likely to abscond or tamper with the prosecution witnesses, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge