

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8432 of 2016

- Arun Kumar Tiwari S/o Late Ramashankar Tiwari Aged About 40 Years R/o Bijuri, Police Station Bakewar, District Fatehpur, Uttar Pradesh. --- **Applicant**

Versus

- State of Chhattisgarh Through The Police Station Civil Lines, Raipur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. N. Naha Roy, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 295/2011 registered at Police Station Civil Lines, Raipur (C.G) for the offence punishable under Sections 408 IPC.
2. As per the prosecution case, a report was made by one Banveer Singh on 06.09.2011 that the applicant was working as Supervisor in his factory and he was given Rs.23,80,000/- by the wife of complainant as per the usual practice. It is submitted that neither the amount was deposited in the Bank nor any amount was disbursed to the labourers and the amount has been usurped by him thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant was working as supervisor and he left the job. He further submits that there was no evidence on record to show that applicant was given Rs.23,80,000/-. It is also

submitted that the complainant has been examined before the Court on 30.11.2016, thereafter his cross examination was deferred as he has not appeared despite different dates have been given. It is further submitted that the applicant has been falsely implicated and he is in jail since 08.02.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused different order sheets of the Court. It shows that the examination-in-chief of the complainant has been completed and thereafter the matter was taken up for cross-examination which is being postponed for absence of the complainant on different dates.
6. Taking into such facts and circumstances of the case especially the fact that the applicant is in jail since 08.02.2016, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in 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 by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**