

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5437 of 2017

Baldev Prasad Dheewar S/o Late Shri Jahoran Lal Dheewar, Aged
About 46 Years R/o Village Semartal, P.S. Koni, District Bilaspur,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through S H O P.S. Koni, District Bilaspur,
Chhattisgarh

---- Respondent

For applicant - Shri Achyut Tiwari, Advocate.
For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

30/08/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 5/09/2016 vide M.Cr.C. No.3472 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 37/2016 registered in Police Station Thana Koni, District Bilaspur (CG) for offence punishable under sections 409, 406, 408, 120-B of Indian Penal Code.
3. As per the prosecution case, the applicant who was the In-charge Manager of Sewa Sahakari Samiti Semartal in connivance with the President & Vice President has withdrawn certain amount of Rs.61,00,000/- for which the entry was not made in Cash Register, thereby the offence has been committed.
4. Learned counsel for the applicant submits that out of 32 witnesses, 14 witnesses have been examined, they have not deposed against the applicant, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.
6. Perused the documents. It appears that 14 witnesses have been examined. It will not be proper for this court to adjudicate the case as it will amount to usurping power of the trial court as nearly half of the main witnesses have already been examined. It is for the trial court to adjudicate the case after entire evidence is placed before it by the prosecution. Considering the same, I am not inclined to entertain this second bail application.
7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE