

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7591 of 2017**

Rakesh Kumar Thakur S/o Late Ashok Thakur, Aged About 31 Years
Caste Gond, R/o Village Korchatola, Police Station Chilhati, Tehsil
Ambagarh Chauki, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Chilhati
Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Rajendra Tripathi, Advocate.
For the Respondent/State	:	Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.02.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.4 of 2017, registered at Police Station Chilhati, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 409 and 420 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 4.1.2017 and he has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. No progress has taken place in the trial against him and the conclusion of the trial is likely to take some time for its final disposal. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that looking to the serious allegations against the applicant of misappropriating the funds and also the allegations regarding making withdrawal from the account holders and depositing the amount so withdrawn in his account, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The allegation against the applicant is that he is in capacity of Postmaster of Post Office - Korchatola had prepared forged withdrawal forms with the signature of the account holders and withdrawn the amounts from the same account and has misappropriated the withdrawn amount to the tune of Rs.5,08,539/-. Hence, the case has been registered against the applicant.

6. Considering the submissions made and the contents of the case diary, the applicant had been working as a public servant, he is in jail since more than one year, the case is triable by the Judicial Magistrate First Class and the conclusion of the trial is likely to take some time for its final disposal, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge