

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2887 of 2018

- Lokeshwar Lal Sharma S/o Late Motilal Sharma Aged About 38 Years
R/o- Baila Bazar Jagdalpur, District- Bastar, Chhattisgarh., District :
Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Kotwali, District-
Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant	:	Mr. P.K. Tulsiyan, Advocate.
For Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/06/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.373/2017 registered at Police Station- Kotwali, District – Bastar(C.G.) for the offence punishable under Sections 406 & 409/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 24.11.2017. The applicant was employed as driver in Railway Safe Guard Company, which was entrusted with the work of filling cash in ATM's (Automated Teller Machine) of the banks on contract basis. The role of this applicant was only to drive the vehicle and he was not trustee of the cash carried in the vehicle. Apart from that it is a case of

misplacement of Rs.5 lakh from the total amount, which has been later on found to be not missing according to the accounts of the bank. Applicant is a local resident of Jagdalpur, District-Bastar. Hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, this applicant and one another being responsible and entrusted with money for filing of the ATM have embezzled Rs.5 lakh out of the total money entrusted to them. Charge-sheet has been filed after completion of investigation. It is not denied that this applicant had been driver of the said company.
6. After considering on all the material present in the case diary, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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