

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4647 of 2018**

Akash Gurudiwan S/o Narendra Kumar Gurudiwan Aged About 25 Years
R/o- Ashok Nagar Sarkanda, P.S. Sarkanda, District- Bilaspur,
Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station
Sirgitti, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri H.S. Ahluwali, Advocate.
For the Respondent/State : Shri Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.07.2018**

Heard.

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.152 of 2018, registered at Police Station – Sirgitti, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 406 and 408 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 18.6.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The applicant left the job as Supervisor in the Company of the complainant on 6.11.2017 and on that date there was deficit of Rs.13,910/- only and the audit has taken place every month during which

the applicant was on job. 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 on the day that the applicant left the job, the deficit of Rs.5,36,780/- was found, to which the applicant acknowledged, hence, there is evidence of defalcation committed by the applicant. Hence, he is not entitled for grant of regular bail.

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

5. The applicant was appointed as Supervisor in Government Foreign Liquor Shop in Yadunandan Nagar, District Bilaspur in May, 2017. He was in job till 6.11.2017. When the applicant left the job, the inspection made on the same day and the deficit of Rs.5,36,780/- was found. As the applicant has not made any payment of the said deposit, hence, this case.

6. After due consideration, I am of this view that the trial against the applicant is likely to take some time for its final disposal, this application deserves to be allowed.

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

8. It is directed that applicant shall be released on bail on his 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge