

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.5019 of 2018

Paras Nag S/o Late Phooldhar Nag, aged about 33 years, R/o Nagfani,
Nakapara, Barsur, P.S. Barsur, District Dantewada (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through - The S.H.O. Police Station -
Dantewada, District Dantewada (C.G.).

---Respondent

For applicant : Ms. Indira Tripathi, Advocate.
For resp./State : Shri Ratan Pusty, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

31/08/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.51/2017 registered at Police Station Dantewada, District Dantewada (C.G.) for the offence punishable under Sections 380, 381, 417, 420, 467, 468 & 471 of IPC.
2. Present applicant is in jail since 29/05/2017.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant is said to have stolen 11 cheques from the office of the District Education Officer and by using forged signatures, the present applicant has used 5 cheques and has withdrawn a total amount of Rs.4,16,730/- from the account of the District Education Officer.

4. The counsel for the applicant submits that, though more than 14 months have lapsed from the date of arrest, the prosecution has till date not examined a single witness. She further submits that, on many occasion, the witnesses were present, but on account of some technicalities on part of the prosecution, the witnesses could not be examined and therefore the present applicant considering the period of custody undergone be released on bail.

5. The State counsel however drew attention of this Court to the gravity of the offence which is firstly stealing of the Government cheques from the office of the District Education Officer and secondly using forged signatures for withdrawal of amount from the Government account and thus prayed for rejection of bail application.

6. Given the entire facts and circumstances of the case, particularly taking into consideration the gravity of offence, this Court is not inclined to grant bail to the present applicant at this juncture.

7. However, since the present applicant has produced the entire ordersheet which shows that, there appears to be a definite lapse on part of the prosecution in getting the witnesses examined timely, the Trial Court is directed for strict compliance of the provisions of law for summoning the witnesses and ensuring that the witnesses are examined at the earliest.

8. Considering the nature of offence, it appears that all the witnesses would be the departmental witnesses who should not have any difficulty in appearing before the Court for deposing.

9. It is directed that, the Trial Court should ensure that the trial is concluded at the earliest.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE