

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5946 of 2018

- Keshav Prasad Patel S/o Duryodhan Patel Aged About 51 Years R/o Village Reda, Tahsil And Police Station Dabhra, Dist. Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dabhra, Dist. Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Harshwardhan Jaiswal Advocate.
For Respondent	:	Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/09/2018

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application was dismissed as withdrawn.
2. This 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.406/2017 registered at Police Station– Dabhra, District– Janjgir-Champa(C.G.) for the offence punishable under Sections 420, 467, 468 & 471/34 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. Applicant is working as A.G.-III

in Janpad Panchayat, Dabhra. No case is made out against him. Although, the allegation that has been made against him to erase the same the applicant has made the deposit of the amount of Rs.5,53,300/- in the account of Janpad Panchayat, Dabhra under protest. Hence, the applicant be granted regular bail.

4. Learned State counsel opposes the application and submissions made in this respect. It is submitted that according to the internal audit report, this applicant has been held responsible of the said embezzlement. Hence, he is not entitled for grant of regular bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the prosecution case, in the internal audit conducted in the office of Janpad Panchayat, Dabhra, it was found that applicant along with other co-accused persons has committed the offence of embezzlement of total amount of Rs.28,99,768/- out of the said amount, this applicant has been held responsible for embezzlement of amount Rs.5,53,300/-. Hence, the FIR has been lodged.
7. Considered all the material present in the case diary and for the reason that presently charge-sheet has been filed in this case, after completion of investigation which shows that there is no further requirement of any custodial interrogation of the applicant for the purpose of any investigation pending. Hence, I am of this view that this is a fit case where the application filed by the applicant is deserves to be allowed.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- each 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

Nisha