

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6542 of 2018

- Sewaram Nirmalkar S/o Late Shri Bodhiram Nirmalkar, Aged About 51 Years, R/o- Plot No.5, Street No. 28-A, Shanti Nagar, Kohaka, P.S.- Supela, Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S.- Narayanpur, District- Narayanpur, Chhattisgarh., District : Narayanpur, Chhattisgarh

----Non-applicant

For Applicant – Shri P.R. Patankar, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

27-09-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His first bail application was dismissed as withdrawn. The applicant has been arrested on 21-05-2018 in connection with Crime No.32/2014 registered at P.S. - Narayanpur, District- Narayanpur, Chhattisgarh for the offence under Section 409 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 21-05-2018. Charge sheet has been filed after completion of the investigation. No case is made out against the applicant according to the material present in the charge sheet filed against him. The case was registered against this applicant on the basis of an audit report given by the private body not by the departmental body. The applicant was terminated from the service regarding which he has preferred appeal before the Commissioner District Durg and the appeal has been allowed vide order dated 23-11-2017 which shows that the enquiry against the applicant is still not concluded. The applicant will abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant is prosecuted for the offence of embezzlement of huge amount of the municipal council Narayanpur.
4. Heard learned counsel for the parties and perused the case diary.
5. The allegation against the applicant is this, that in capacity of In-charge, Chief Municipal Officer of Municipal Council Narayanpur he made withdrawal of amount Rs.36,06,655/- for payment to daily wagers, which he has misappropriated and thus embezzled the same.
6. After considering this fact that the case is now before the trial Court and conclusion of the trial would take some time and no purpose would be served if the applicant is kept in detention till conclusion of the trial against him, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge