

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8109 of 2018**

Sumer Singh Nagesh S/o Late Roopying Nagesh Aged About 70 Years  
R/o Village Urmal, Police Station Devbhog District Gariyaband  
Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- **Applicant**

Versus

State Of Chhattisgarh Through The Police Station Devbhog District  
Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- **Respondent****MCRC No. 7774 of 2018**

Baliram Nagesh S/o Mandhar Nagesh Aged About 36 Years R/o Village  
Falsapara ( Kohiyaripara), Post Office, police Station And Tahsil -  
Devbhog, District -Gariyaband Chhattisgarh., District : Gariyabandh,  
Chhattisgarh

---- **Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police  
Station -Devbhog, District Gariyaband Chhattiagarh., District :  
Gariyabandh, Chhattisgarh

---- **Respondent**

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|--------------------|---|------------------------------------------------------------------------------------------------------------------------------------------|
| For the Applicants | : | Shri Shrikant Mishra and Shri Manish Thakur,<br>Advocates (MCRC No. 8109/2018)<br>Shri Shivendu Pandya, Advocate (MCRC No.<br>7774/2018) |
| For the State      | : | Shri Satish Gupta, Govt. Advocate                                                                                                        |

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****01/11/2018**

1. As MCRC No.8109/2018 and MCRC No.7774/2018 arise out of the same crime number of same police station, they are being disposed of by this common order.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.220/2016 (*wrongly mentioned the Crime No. as 220/2018 in the rejection order*) registered at Police Station

Devbhog, District Gariyaband (C.G.) for the offence punishable under Sections 420, 409, 423, 467, 468, 471, 120B of IPC.

3. This is the second bail application under Section 439 of the CrPC of applicant Sumer Singh Nagesh. His earlier bail application was rejected by this Court on 20/08/2018 in MCRC No. 5229/2018 on merits.
4. This is first bail application under Section 439 of CrPC of applicant Baliram Nagesh.
5. Prosecution story in brief is that the applicants, co-accused Bhuneshwar Sonwani, Praveen Kumar, Hardayal Singh and Dileshwar who were the officials of Adim Jati Sewa Sahkari Samiti Urmal, committed fake purchase of paddy, sub-standard paddy, fabricated the records and caused damage of Rs. 1,20,18,156/- to the Samiti. Applicant Sumer Singh Nagesh was the Chairman of the Samiti. He had not performed his duty properly, thus the said embezzlement had been took place.
6. Counsel for the applicant Sumer Singh Nagesh drew my attention on Annexure A/5 and A/6 and urged that he had not committed any embezzlement, thus he may be released on bail.
7. Counsel for the applicant Baliram Nagesh submitted that co-accused Dileshwar Nagesh, Bhuneshwar Sonwani, Hardayal Singh are enlarged on bail, thus applicant may be enlarged on bail.
8. State counsel has opposes the bail application of the applicants.
9. The case of applicant Baliram Nagesh is not more severe than co-accused Dileshwar Nagesh, Bhuneshwar Sonwani and Hardayal Singh who are already enlarged on bail.
10. Looking to the facts and circumstances of the case, it is ordered that if the applicant **Baliram Nagesh** furnishes one solvent surety and personal bond of Rs. 50,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
11. From Annexure A/5 and A/6 the circumstances are not changed which

may entitle applicant to get benefit of Section 439 of CrPC in this second bail application. Accordingly, his second bail application is rejected.

12. Certified copy as per rules.

Sd/-  
**(Sharad Kumar Gupta)**  
Judge

Kamde