

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7942 of 2017**

Dhananjay Baghmar, S/o. Jivanlal Baghmar, Aged About 41 Years, R/o. Village -Khapradih, Police Station -Suhela, Tahsil -Simga, District -Balodabazar, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station - Suhela, District -Balodabazar, Chhattisgarh

---- Respondent

For Applicant	: Mr. R.K. Bhagat, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**12/01/2018**

1. This bail application is heard out of turn on the ground that the father of the applicant is suffering from serious ailment and is hospitalized because of which, the applicant is required to attend him.
2. 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.137/2017, registered at Police Station – Suhela, District – Balodabazar (C.G.) for the offence punishable under Section 408, 403 of Indian Penal Code.
3. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. As alleged that

shortage of stock worth Rs.36,908/- has been found in the enquiry but in reality, the applicant had given some bags of Urea and DAP to Neelkanth on his assurance that he will complete the formalities later on. No defalcation has been committed by the applicant. Charge-sheet has been filed after completion of investigation, applicant is in jail since 16.09.2017 and he is ready and willing to deposit the amount defalcated, therefore, it is prayed, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. On 16.09.2017, the Chairman of the society and villagers inspected stock of Prathmik Krishi Sakh Sahkari Samiti, Khapradih in which the applicant was working as Manager and shortage of 58 bags of urea and 18 bags of DAP worth Rs.36,908/- was found on the basis of which, case has been registered.
7. Considered the submissions made and the contents of the case diary. Considering the facts and circumstances of the case and further considering the statement made by the applicant that he is ready to deposit the amount of defalcation, this Court is of the opinion that it is a fit case, where the applicant should be enlarged on bail on condition that the applicant shall deposit the amount of defalcation.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicant shall be released on bail on depositing the amount of defalcation with the said society and 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram