

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3189 of 2019**

- Baldev Prasad Dheewar S/o Late Shri Jahoran Lal Dheewar Aged About 47 Years R/o Village Semartal Police Station Koni, District Bilaspur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through SHO Police Station Koni, District Bilaspur Chhattisgarh

---- Respondent

For Applicant : Shri Achyut Tiwari, Advocate

For Respondent/State : Shri Rajesh Singh, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/06/2019**

1. This is the Fourth Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 10.02.2016 in connection with Crime No.37/2016 registered at Police Station Thana - Koni, District Bilaspur (CG) for the offence punishable under Sections 409, 406, 408 & 120-B IPC.
2. The first bail application bearing M.Cr.C. No.3472 of 2016 was dismissed on 05.09.2016. The second bail application bearing M.Cr.C. No.5437 of 2017 was dismissed on 30.08.2017 and the third bail application which was the temporary bail bearing M.Cr.C. No.5465 of 2018 was allowed and the applicant was

released for a period of two weeks on account of death of his mother.

3. As per the prosecution case, the applicant, who was the in-charge Manager of Sewa Sahakari Samiti, Semartal in connivance with the President & Vice President has withdrawn certain amount of Rs.61,00,000/- for which the entry was not made in Cash Register; thereby the offence has been committed.
4. Learned counsel for the applicant submits that the charges have been framed under Sections 120 and 408/409 IPC only and no charge has been framed under Section 406 IPC. He would further submit that the applicant is in jail since 10.02.2016 and the trial has been stayed in other case, whereby the applicant is lodged in jail, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Considering the pretrial detention as the applicant is in jail since 10.02.2016 and also taking into that the trial has been stayed, which is not disputed, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

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