

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5165 of 2019**

Tirath Rmani @ Banti, S/o. Lt. Kalyan Rmani, aged about 35 years, R/o. Sector – 8, L.I.G. Saddu, Housing Board, Raipur, District – Raipur (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station - Maudhapara, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Ms. Akanchha Jain, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**30/09/2019**

1. 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.145/2019, registered at Police Station – Maudhapara, District – Raipur (C.G.) for the offence punishable under Section 406, 408 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 23.07.2019. Investigation has been completed and charge sheet in this case has been filed. This applicant does not have any criminal antecedents. The applicant had insisted upon with his employer for increasing his salary, but his salary was not increased, therefore, he resigned from his job. Thereafter, because of the threatening given by the complainant, he filed a complaint with the police on 21.08.2018. Subsequent to which written complaint was

given by his employer to the police on 29.09.2018 on the basis of which FIR has been lodged after long delay on 23.07.2019. Therefore, no case is made out against him. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is evidence present showing that this applicant has misappropriated the funds and deposited the same in the account of his wife, therefore, he has committed offence. Therefore, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, this applicant being an employee of the complainant Vijay Anand Sharma was incharge of making collection from various business customers and deposit the same in the account of the business concerned. It is alleged that between 2016 to 2018, this applicant has misappropriated the collections made from the customers and has embezzled the amount of Rs.14.00 lakhs. The police has investigated the case.
6. Considered on the submissions made and the contents of the case diary. Considering that the case is now pending for trial and this applicant does not have any criminal antecedents and he is local resident of Raipur, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram